

Judicial Politics in W
Germany: Study of the
Federal Constitutional
Court (Sage series on
politics and the legal order)

Kommers, Donald P.

Judicial Politics In W Germany

**Michael P. Fix, Matthew D.
Montgomery**



Judicial Politics In W Germany:

Judicial Politics in W Germany Donald P. Kommers, 1976 **The Birth of Judicial Politics in France** Alec Stone Sweet, 1992 The French Constitutional Council a quasi judicial body created at the dawn of the Fifth Republic functioned in relative obscurity for almost two decades until its emergence in the 1980s as a pivotal actor in the French policymaking process Alec Stone focuses on how this once docile institution through its practice of constitutional review has become a meaningfully autonomous actor in the French political system After examining the formal prohibition against judicial review in France Stone illustrates how politicians and the Council have collaborated over the course of the last decade often unintentionally and in the service of contradictory agendas to significantly enhance Council s power While the Council came to function as a third house of Parliament the legislative work of the government and Parliament was meaningfully juridicized Through a discussion of broad theoretical issues Stone then expands the scope of his analysis to the politics of constitutional review in Germany Spain and Austria Judicial Politics and Policy-making in Western Europe Mary L. Volcansek, 2014-04-08 Focusing on the intersection of politics and law in six western European countries and in two supra national bodies the contributors here aim to debunk the myth that judges are merely la bouche de la loi and analyze similarities in policy making of the judiciaries from one nation to the next *EU Treaties and the Judicial Politics of National Courts* Pablo José Castillo Ortiz, 2015-08-11 Cases such as the Maastricht ruling by the German Federal Constitutional Court or the Crotty decision by the Irish Supreme Court have gone down in the history of European integration as outstanding examples of intervention by judicial actors in important political processes In this book Dr Castillo Ortiz makes for the first time a comprehensive analysis of all such rulings by national higher courts on European Union treaties issued during their processes of ratification Using an interdisciplinary Law and Politics approach and a sophisticated methodological strategy the book describes the political dynamics underlying some of the most relevant judicial episodes in the process of European Integration during the last decades litigation strategies by Europhile and Eurosceptic actors relations between the judiciary and the other branches of government and clashes of power between national courts and the European Court of Justice of the European Union By offering empirical evidence and by relying on scientific rigor the book seeks to provide both experts and the general public an accessible account of one of the most salient but least studied aspects of current European law and politics *The Alchemists* Tom Gerald Daly, 2017-11-02 Can courts really build democracy in a state emerging from authoritarian rule This book presents a searching critique of the contemporary global model of democracy building for post authoritarian states arguing that it places excessive reliance on courts Since 1945 both constitutional courts and international human rights courts have been increasingly perceived as alchemists capable of transmuting the base materials of a nascent democracy into the gold of a functioning democratic system By charting the development of this model and critically analysing the evidence and claims for courts as democracy builders this book argues

that the decades long trend toward ever greater reliance on courts is based as much on faith as fact and can often be counterproductive Offering a sustained corrective to unrealistic perceptions of courts as democracy builders the book points the way toward a much needed rethinking of democracy building models and a re evaluation of how we employ courts in this role

Constitutions in Crisis John E. Finn,1991 With special reference to the experience of Britain and Germany this book examines the dilemma faced by constitutional governments in trying to draft anti terrorist laws while preserving civil liberties

The Constitutional Jurisprudence of the Federal Republic of Germany Donald P. Kommers,1997 Kommers's comprehensive work surveys the development of German constitutional doctrine between 1949 when the Federal Constitutional Court was founded and 1996 Extensively revised and expanded to take into account recent developments since German unification this second edition describes the background structure and functions of the Court and provides extensive commentary on German constitutional interpretation and includes translations of seventy eight landmark decisions These cases include the highly controversial religious liberty and free speech cases handed down in 1995

Research Handbook on Judicial Politics Michael P. Fix,Matthew D. Montgomery,2024-09-06 This timely Research Handbook offers a comprehensive examination of judicial politics both in the US and across the globe Taking a broad view of the judiciary in all levels of the court it examines the present state of the field and raises new questions for future scholarly exploration

The West German Social Democrats, 1969-1982 Gerard Braunthal,2019-06-26 The fall of the West German government in 1982 ended the 13 year rule of the Social Democratic Party SPD as the senior coalition partner under Chancellors Willy Brandt and Helmut Schmidt In perpetual opposition from 1949 to 1966 the Social Democrats finally entered the government as the junior coalition party in 1966 three years later they assumed primary responsibility for guiding the nation The central theme of this detailed examination of the SPD during its years of governance is that social and economic forces in the nation had a major effect often unsettling on the party at a time when it had achieved the pinnacle of political power Significant changes in the party's organization membership leadership factionalism ideology and voter support limited its role within the political system in the executive and legislative branches and its influence on domestic and foreign policies Yet its ability to remain in power for a comparatively long period attests to its strength and respectability among the voting public Dr Gerard Braunthal draws on a wealth of documentation some unpublished located primarily in German archives and libraries In addition he interviewed more than 120 persons ranging from the top SPD leaders to staff officials members and other specialists to gain a greater understanding of a party that is one of the most powerful in Western Europe and in the social democratic world and whose organization has been a model of the twentieth century mass party

Germany Donald S. Detwiler,1999 This new edition of a best selling history of Germany originally published in 1976 includes the great watershed of 1989 90 and its aftermath With twelve maps a chronology of events and an updated bibliographical essay *Germany A Short History* provides a thorough introduction to German history from antiquity to the present

The Politics of Broadcasting Raymond

Kuhn,2023-12-22 *The Politics of Broadcasting 1985* examines the state of broadcasting in a variety of Western democracies from a political viewpoint written at a time when new telecommunications and information technology revolutionised television and radio The book describes and analyses the problems faced by politicians and broadcasters in responding to these changing technological and political environments

On Law and Policy in the European Court of Justice H. Rasmussen,2024-02-26

Law in West German Democracy Hugh Ridley,2019-10-01 *Law in West German Democracy* relates the history of the Federal Republic of Germany as seen through a series of significant trials conducted between 1947 and 2017 explaining how these trials came to take place the legal issues which they raised and their importance to the development of democracy in a country slowly emerging from a murderous and criminal regime It thus illustrates the central issues of the new republic If as a Minister for Justice once remarked crime can be seen as the reverse image of any political system the shadow cast by the social and economic structures of the day it is natural to use court cases to illuminate the eventful history of the Federal Republic's first seventy years

The Global Expansion of Judicial Power C Neal Tate,Torbjorn Vallinder,1997-06-01 *Essays examining the trend of expanding judicial powers in government around the world* In Russia as the confrontation over the constitutional distribution of authority raged Boris Yeltsin's economic program regularly wended its way in and out of the Constitutional Court until Yeltsin finally suspended that court in the aftermath of his clash with the hardline parliament In Europe French and German legislators and executives now routinely alter desired policies in response to or in anticipation of the pronouncements of constitutional courts In Latin America and Africa courts are or will be important participants in ongoing efforts to establish constitutional rules and policies protect new or fragile democracies from the threats of military intervention ethnic conflict and revolution This global expansion of judicial power or judicialization of politics is accompanied by an increasing domination of negotiating or decision making arenas by quasi judicial procedures For better or for worse the judicialization of politics has become one of the most significant trends of the end of the millennium In this book political scientists legal scholars and judges around the world trace the intellectual origins of this trend describe its occurrence or lack of occurrence in specific nations analyze the circumstances and conditions that promote or retard judicialization and evaluate the phenomenon from a variety of intellectual and ideological perspectives

The Federal Republic of Germany at Forty Peter H. Merkl,1989-10 The last five years have brought such extraordinary changes to Germany and Europe as to make the previous forty years of Cold War existence seem deceptively placid and well ordered by comparison The collapse of communist rule in East Germany in the midst of massive demonstrations against the Honecker regime in late 1989 were only the beginning The monumental changes that have taken place since have affected all aspects of German identity both inside and outside of the now unified nation This book tackles the question of just where the new Federal Republic of Germany stands after 45 years and where it appears to be headed The central concern of this volume is the nation's evolving united or disunited sense of identity This identity in a constant state of flux takes many forms

the striking differences between East and West German views German pacifism and national pride the role of Germany in the world the reemergence of radical right groups and opinions towards foreigners and the right of political asylum Of central interest to scholars of German and European history and politics this book is a thorough assessment of Germany in the post wall era From Bundesrepublik to Deutschland Michael G. Huelshoff, Andrei S. Markovits, Simon Reich, 1993 Analyzes Germany's new role in world politics Europeanization of Judicial Review Nicola Ch. Corkin, 2014-11-13 Europeanization of Judicial Review argues that the higher complexity of the political framework in which laws are made today leads to less well designed laws and loop holes allowing politicians to leave decisions to the courts The higher complexity of the political framework is a result of the need in the EU to consider both national and European legal and political rules when phrasing new laws Both to decrease the complexity in the design of legislation and to preserve the ideal of the rule of law the courts now are more likely to rule laws unconstitutional The book employs a wide range of quantitative and qualitative methods to collect new data about the German Austrian and Italian constitutional courts over the last four decades These three courts have a comparable history theoretical background and structure while differing in two key components length of EU membership and legitimacy perception Corkin employs multi method research based on over fifty interviews with judges politicians and civil servants content analysis of abstract judicial review cases over three decades and a database of over 300 variables relating to the courts and their surroundings Her data reveals that in abstract judicial review and in the wider political arena political culture has become more confrontational due to attitude changes in politicians and judges These attitude changes can be directly linked to the EU and have wide ranging implications for legitimacy democracy and political methodology Presenting a bridge between the revitalized realist and legalist debate Europeanization of Judicial Review will contribute to socio legal theory literature on comparative courts and both new institutionalism and Europeanization theory

West German Politics Lewis Joachim Edinger, 1986 Moving deftly among literary and visual arts as well as the modern critical canon Christopher Prendergast's book explores the meaning and value of representation as both a philosophical challenge What does it mean to create an image that stands for something absent and a political issue Who has the right to represent whom The Triangle of Representation raises a range of theoretical historical and aesthetic questions and offers subtle readings of such cultural critics as Raymond Williams Paul de Man Edward Said Walter Benjamin and Hélène Cixous in addition to penetrating investigations of visual artists like Gros Ingres and Matisse and significant insights into Proust and the onus of translating him Above all Prendergast's work is a striking display of how a firm grounding in theory is essential for the exploration of art and literature *Party Government and Political Culture in Western Germany* H. Döring, G. Smith, 1982-03-04 *Resisting the European Court of Justice* Bill Davies, 2012-06-18 The European Union's EU powerful legal framework drives the process of European integration The Court of Justice ECJ has established a uniquely effective supranational legal order beyond the original wording of the Treaty of Rome and transforming our traditional understanding

of international law This work investigates how these fundamental transformations in the European legal system were received in one of the most important member states Germany On the one hand Germany has been highly supportive of political and economic integration yet on the other a fundamental pillar of the post war German identity was the integrity of its constitutional order How did a state whose constitution was so essential to its self understanding subscribe to the constitutional practice of EU law How did a country who could not say no to Europe become the member state most reluctant to accept the new power of the ECJ

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