Die Unbegrenzte Auslegung Zum Wandel Der Privatre

Introduction to German Law
National Socialist Criminal Law
The Europeanisation of Law
The Remnants of the Rechtsstaat
Relevance and Irrelevance
The German Federal Constitutional Court
Testamentary Formalities
Before the Holocaust
A Sociological Theory of Law
Between Facts and Norms
Proportionality and Judicial Activism
Bureaucracy, Work and Violence
Balancing Constitutional Rights
The Rise Of The Nazi Regime
The Eurosceptic Challenge
Judiciaries within Europe
The Holocaust's Ghost
The Conceptual Change of Conscience
Comparative Reasoning in European Supreme Courts
A Companion to Nazi Germany
The Legacies of Law
The Routledge International Handbook of Shared Parenting and Best Interest of the Child
Die unbegrenzte Auslegung
Central European Judges Under the European Influence
Conflict and Transformation
Purposive Interpretation in Law

The Judiciary in Central and Eastern Europe
The Cambridge Handbook on the Material Constitution
Justifying Injustice
Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 1
A History of Fascism, 1914–1945
Rethinking the Masters of Comparative Law
Between the Norm and the Exception
Dictatorship, Democracy, and Transitional Justice in Global Legal History
Die Juden Im Nationalsozialistischen Deutschland
The Oxford Handbook of Comparative Law
Weimar
Judges Against Justice
Habermas
Dalhuisen on Transnational Comparative, Commercial, Financial and Trade Law Volume 1

Downloaded from intra.itu.edu *by guest*

CHOI LEWIS

Introduction to German Law Mohr Siebeck
This book offers an intellectual history of Ernst Fraenkel's classic The Dual State (1941), recently republished by OUP, and one of the most erudite books on the theory of dictatorship ever written. It was the first comprehensive analysis of the nature and rise of Nazism, and the only such analysis written from within Hitler's Germany.

National Socialist Criminal Law
University of Alberta
Recoge: I. Juridification of politics - II. Changes in the estructure of governance - III. Partial convergence of national legal systems - IV. Unintended consequences.
The Europeanisation of Law Mohr Siebeck
In this important compendium, one of the leading scholars of EU law and its legal framework, reflects on his previous writings in the context of current challenges the European project is facing. More than a simple restatement, it offers an important theoretical comment at this defining time for EU law. The author offers a welcome counterbalance to what some perceive to be a surfeit of optimism when assessing the EU and its development. In so doing, Professor Joerges identifies three flaws in the current European ideology. Firstly, he points to the intellectual weakness of the “integration through law” ideology. Secondly, the book sets out the systematic neglect of “the economic” and its political dynamics. Finally, it addresses the complacency with respect to Europe's darker legacies. This is an important

critical (and candid) assessment of Europe at its half century.

The Remnants of the Rechtsstaat Cambridge University Press

A comparative and historical account of the origins and meanings of the discourse of judicial 'balancing' in constitutional rights law.

Relevance and Irrelevance Walter de Gruyter GmbH & Co KG

This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide-ranging and diverse critical survey of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honoured but not easily understood in all its dimensions. In the current era of globalization, this discipline is more relevant than ever, both on the academic and on the practical level. The Handbook is divided into three main sections. Section I surveys how comparative law has developed and where it stands today in various parts of the world. This includes not only traditional model jurisdictions, such as France, Germany, and the United States, but also other regions like Eastern Europe, East Asia, and Latin America. Section II then discusses the major approaches to comparative law - its methods, goals, and its relationship with other fields, such as legal history, economics, and linguistics. Finally, section III deals with the status of comparative studies in over a dozen subject matter areas, including the major categories of private, economic, public, and criminal law. The Handbook contains forty-eight chapters written by experts from around the world. The aim of each chapter is to provide an accessible, original, and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come. Each chapter also includes a short bibliography referencing the definitive works in the field.

The German Federal Constitutional Court Princeton University Press

The anthology presents the lectures given on the symposium »From Dictatorship to democracy« at the House of the Wannsee Conference on 13–14 September 2021. The aim of the organizers was to show what problems existed during the transition from dictatorship to democracy in several countries around the world. They all enacted laws or other measures to ensure that fundamental rights and the rule of law would resist anti-democratic ideologies, anti-Semitism, racism, and war crimes in the future. However, the legal system and law in these countries themselves often had their origins in dictatorship. Thus, there were and are obvious and hidden anti-democratic continuities that influence law and the legal system up to the present. Scientifics and jurists from Italy, Japan, Poland, Spain, South Africa, and Germany examine these continuities in their contributions.

Testamentary Formalities Cambridge University Press

Despite a long and venerable tradition, the material constitution almost disappeared from constitutional scholarship after the Second World War. Its marginalisation saw the rise of a normative and legalistic style in constitutional law that neglected the role of social reality and political economy. This collection not only retrieves the history and development of the concept of the material constitution, but it tests its theoretical and practical relevance in the contemporary world. With essays from a diverse range of contributors, the

collection demonstrates that the material constitution speaks to several pressing issues, from the significance of economic development in constitutional orders to questions of constitutional identity. Offering original analyses supported by international case studies, this book develops a new model of constitutional reality, one that informs our understanding of the world in profound ways.

Before the Holocaust Routledge

“This is a big book, with big themes and an author with the necessary experience to back them up... Full of insights as to the theories that underlie the rules governing contract, property and security, it is an important contribution to the law of international commerce and finance.” (Law Quarterly Review) Volume 1 of this new edition covers the roots and foundations of private law, the different origins, structure, and orientation of civil and common law, and the social and cultural forces behind it. It analyses the practical needs and market forces behind the emergence of a new transnational commercial and financial legal order, its international finance-driven impulses, concepts, and operation; the theoretical basis of the transnationalisation of the law in the professional sphere in that order; the autonomous sources of the new law merchant or modern lex mercatoria derived from the method of public international law, as well as its relationship to domestic and transnational public policy and public order requirements. The complete set in this magisterial work is made up of 6 volumes. Used independently, each volume allows the reader to delve into a particular topic. Alternatively, all volumes can be read together for a comprehensive overview of transnational comparative commercial, financial and trade law.

A Sociological Theory of Law Berghahn Books

How did the drastic experiences of the turbulent twentieth century affect the works of a legal historian? What kind of an impact did they have on the ideas of justice and rule of law prominent in legal historiography? Ville Erkkila analyses the way in which the concepts of 'Rechtsgewissen' and 'Rechtsbewusstsein' evolved over time in the works of the prestigious legal historian Franz Wieacker. With the help of previously unavailable sources such as private correspondence, the author reveals how Franz Wieacker's personal experiences intertwined in his legal historiography with the tradition of legal science as well as the social and political destinies of twentieth century Germany.

Between Facts and Norms Univ of California Press

Numerous scholars explore the moral, aesthetic, and political outcomes of the Holocuast from the perspectives of various academic backgrounds, including: art, literature, political science, education and history.

Proportionality and Judicial Activism Hart Publishing

Launching a major new research project examining the principles of succession law in comparative perspective, this volume analyses the formalities imposed by the law on making a will across a wide range of European and international jurisdictions.

Bureaucracy, Work and Violence John Wiley & Sons

Work played a central role in Nazi ideology and propaganda, and even today there remain some who still emphasize the

supposedly positive aspects of the regime’s labor policies, ignoring the horrific and inhumane conditions they produced. This definitive volume provides, for the first time, a systematic study of the Reich Ministry of Labor and its implementation of National Socialist work doctrine. In detailed and illuminating chapters, contributors scrutinize political maneuvering, ministerial operations, relations between party and administration, and individual officials’ actions to reveal the surprising extent to which administrative apparatuses were involved in the Nazi regime and its crimes.

Balancing Constitutional Rights Cambridge University Press

The last two decades have witnessed an exponential growth in debates on the use of foreign law by courts. Different labels have been attached to the same phenomenon: judges drawing inspiration from outside of their national legal systems for solving purely domestic disputes. By doing so, the judges are said to engage in cross-border judicial dialogues. They are creating a larger, transnational community of judges. This book puts similar claims to test in relation to highest national jurisdictions (supreme and constitutional courts) in Europe today. How often and why do judges choose to draw inspiration from foreign materials in solving domestic cases? The book addresses these questions from both an empirical and a theoretical angle. Empirically, the genuine use of comparative arguments by national highest courts in five European jurisdictions is examined: England and Wales, France, Germany, the Czech Republic, and Slovakia. On the basis of comparative discussion of the practice and its national theoretical underpinning in these and partially also in other European systems, an overreaching theoretical framework for the current judicial use of comparative arguments is developed. Drawing on the author's own past judicial experience in a national supreme court, this book is a critical account of judicial engagement with foreign authority in Europe today. The sober middle ground inductively conceptualized and presented in this book provides solid jurisprudential foundations for the ongoing use of comparative arguments by courts as well as its further scholarly discussion.

The Rise Of The Nazi Regime Routledge

This book follows postwar Germany's leading philosopher and social thinker, Jürgen Habermas, through four decades of political and constitutional struggle over the shape of liberal democracy in Germany. Habermas's most influential theories - of the public sphere, communicative action, and modernity - were decisively shaped by major West German political events: the failure to de-Nazify the judiciary, the rise of a powerful Constitutional Court, student rebellions in the late 1960s, the changing fortunes of the Social Democratic Party, NATO's decision to station nuclear weapons, and the unexpected collapse of East Germany. In turn, Habermas's writings on state, law, and constitution played a critical role in reorienting German political thought and culture to a progressive liberal-democratic model. Matthew Specter uniquely illuminates the interrelationship between the thinker and his culture.

The Eurosceptic Challenge Univ of Wisconsin Press

Diese innovative Studie versteht das nationalsozialistische Strafrecht – in Übereinstimmung mit Kontinuitäts- und

Radikalisierungsthese – als rassistisch (antisemitisch), völkisch ("germanisch") und totalitär ausgerichtete Fortschreibung der autoritären und antiliberalen Tendenzen des deutschen Strafrechts der Jahrhundertwende und der Weimarer Republik. Dies wird durch die systematisch-analytische Aufbereitung der Texte relevanter Autoren belegt, wobei es primär um die – für sich selbst sprechenden – Texte, nicht die moralische Beurteilung ihrer Verfasser geht. Dabei werden auch Erkenntnisse zur Rezeption des deutschen (NS-) Strafrechts in Lateinamerika mitgeteilt. Die besagte Kontinuität existierte nicht nur rückwärtsgewandt (post-Weimar), sondern auch zukunftsgerichtet (Bonner Republik). Kurzum, das NS-Strafrecht kam weder aus dem Nichts noch ist es nach 1945 völlig verschwunden. Der zeitgenössische Versuch der identitären Rekonstruktion des germanischen Mythos durch die sog. "neue Rechte" schließt daran nahtlos an.
Judiciaries within Europe Oxford University Press
Winner, 1996 Elaine and David Spitz Book Prize for the best book onliberal and democratic theory, Conference for the Study of Political Thought. Winner, 1994 First Book Prize, Foundations of Political Thought Organized Section, American Political Science Association. Between the Norm and the Exception contributes historical insight to the ongoing debate over the future of the rule of law in welfare-state capitalist democracies. The core issue is whether or not society can offer its citizens welfare-state guarantees and still preserve the liberal vision of a norm-based legal system. Franz Neumann and Otto Kirchheimer, in an age dominated by Hitler and Stalin, sought to establish a sound theoretical basis for the "rule of law" ideal. As an outcome of their sophisticated understanding of the liberal political tradition, their writings suggest a theoretical missed opportunity, an alternative critical theory that might usefully be applied in understanding (and perhaps countering) the contemporary trend toward the deformalization of law.
The Holocaust's Ghost Springer
This book presents a comprehensive theory of legal interpretation, by a leading judge and legal theorist. Currently, legal philosophers and jurists apply different theories of interpretation to constitutions, statutes, rules, wills, and contracts. Aharon Barak argues that an alternative approach--purposive interpretation--allows jurists and scholars to approach all legal texts in a similar manner while remaining sensitive to the important differences. Moreover, regardless of whether purposive interpretation amounts to a unifying theory, it would still be superior to other methods of interpretation in tackling each kind of text separately. Barak explains purposive interpretation as follows: All legal interpretation must start by establishing a range of semantic meanings for a given text, from which the legal meaning is then drawn. In purposive interpretation, the text's "purpose" is the criterion for establishing which of the semantic meanings yields the legal meaning. Establishing the ultimate purpose--and thus the legal meaning--depends on the relationship between the subjective and objective purposes; that is, between the original intent of the text's author and the intent of a reasonable author and of the legal system at the time of interpretation. This is easy to establish when the subjective and objective purposes coincide. But when they don't,

the relative weight given to each purpose depends on the nature of the text. For example, subjective purpose is given substantial weight in interpreting a will; objective purpose, in interpreting a constitution. Barak develops this theory with masterful scholarship and close attention to its practical application. Throughout, he contrasts his approach with that of textualists and neotextualists such as Antonin Scalia, pragmatists such as Richard Posner, and legal philosophers such as Ronald Dworkin. This book represents a profoundly important contribution to legal scholarship and a major alternative to interpretive approaches advanced by other leading figures in the judicial world.

The Conceptual Change of Conscience
Cambridge University Press
As the Nazis staged their takeover in 1933, instances of antisemitic violence began to soar. While previous historical research assumed that this violence happened much later, Hermann Beck counteracts this, drawing on sources from twenty German archives, and focussing on this early violence, and on the reaction of German institutions and the elites who led them. Before the Holocaust examines the antisemitic violence experienced in this period - from boycotts, violent attacks, robbery, extortion, abductions, and humiliating 'pillory marches', to grievous bodily harm and murder - which has hitherto not been adequately recognized. Beck then analyses the reactions of those institutions that still had the capacity to protest against Nazi attacks and legislative measures - the Protestant Church, the Catholic Church, the bureaucracies, and Hitler's conservative coalition partner, the DNVP - and the mindset of the elites who led them, to determine their various responses to flagrant antisemitic abuses. Individual protests against violent attacks, the April boycott, and Nazi legislative measures were already hazardous in March and April 1933, but established institutions in the German State and society were still able to voice their concerns and raise objections. By doing so, they might have stopped or at least postponed a radicalization that eventually led to the pogrom of 1938 (Kristallnacht) and the Holocaust.

Comparative Reasoning in European Supreme Courts Oxford University Press
The onset of the 2004 EU enlargement witnessed a number of predictions being made about the approaches, capacity and ability of Central European judges who were soon to join the Union. Optimistic voices, foreshadowing the deep transformative power that Europe was bound to exercise with respect to the judicial mentality and practice in the new Member States, were intertwined with gloomy pictures of post-Communist limited formalism and mechanical jurisprudence that could not be reformed, which were likely to undermine the very foundations of mutual trust and recognition the judicial system of the Union is built upon. Ten years later, this volume revisits these predictions and critically assesses the evolution of Central European judicial mentality, institutions and constitutionality under the influence of the EU membership. Comparatively evaluating the situation in a number of Central European Member States in their socio-legal contexts, notably Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Bulgaria and Romania, the volume offers unique insights into the process of (non) Europeanisation of national legal systems

and cultures.

A Companion to Nazi Germany

Bloomsbury Publishing

Niklas Luhmann is recognised as a major social theorist, and his treatise on the sociology of law is a classic text. For Luhmann, law provides the framework of the state, lawyers are the main human resource for the state, and legal theory provides the most suitable base from which to theorize on the nature of society. He explores the concept of law in the light of a general theory of social systems, showing the important part law plays in resolving fundamental problems a society may face. He then goes on to discuss in detail how modern 'positive' – as opposed to ‘natural’ – law comes to fulfil this function. The work as a whole is not only a contribution to legal sociology, but a major work in social theory. With a revised translation, and a new introduction by Martin Albrow.

Best Sellers - Books :

• Spare By Prince Harry The Duke Of Sussex
• My Butt Is So Christmassy!
• November 9: A Novel
• I'm Glad My Mom Died
• Harry Potter Paperback Box Set (books 1-7) By J. K. Rowling
• The Nightingale: A Novel
• Tomorrow, And Tomorrow, And Tomorrow: A Novel By Gabrielle Zevin
• It Ends With Us: A Novel (1) By Colleen Hoover
• Lessons In Chemistry: A Novel By Bonnie Garmus
• Ugly Love: A Novel