

## An Introduction To German Law Tammod

This volume brings together a set of key studies on the history of medieval Central Europe (Bohemia, Hungary, Poland), along with others specially commissioned for the book or translated, and a new introduction. This region was both an area of immigration, and one of polities in expansion. Such expansion included the settlement and exploitation of previously empty lands as well as rulers' attempts to incorporate new territories under their rule, although these attempts did not always succeed. Often, German immigration has been prioritized in scholarship, and the medieval expansion of Central Europe has been equated with the expansion of Germans. Debates then focused on the positive or negative contribution of Germans to local life, and the consequences of their settlement. This perspective, however, distorts our understanding of medieval processes. On the one hand, Central Europe was not a passive recipient of immigrants. Local rulers and eventually nobles benefited from and encouraged immigration; they played an active role. On the other hand, German immigration was not a unified movement, and cannot be equated with a *drang nach osten*. Finally, not just Germans, but also various Romance-speaking and other immigrant groups settled in Central Europe. This volume, therefore, seeks to present a more complex picture of medieval expansion in Central Europe.

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Inside Immigration Law analyses the practice of implementing immigration law, examining the different political and organisational forces that influence the process. Based on unparalleled academic access to the German migration management system, this book provides new insights into the 'black box' of regulating immigration, revealing how the application of immigration law to individual cases can be chaotic, improvised and sometimes arbitrary, and either informed or distorted by the complex, politically laden and changeable nature of both German and EU immigration laws. Drawing on extensive empirical material, including participant observation, interviews and analyses of public as well as confidential documents in German immigration offices, Inside Immigration Law unveils the complex practices of decision-making and work organisation in a politically contested environment. A comparative, critical evaluation of the work of offices that examines the discretion and client interactions of bureaucrats, the management of legal knowledge and symbolism and the relationships between immigration offices and external political forces, this book will be of interest to sociologists, legal scholars and political scientists working in the areas of migration, integration and the study of work and organisations.

This book is a translation of Reinhold Zippelius' *Juristische Methodenlehre*, (Munich, C.H. Beck, tenth edition, 2006). The approach of the original German-language volume is to engage civil law students in the processes by which one learns

the law and reasons in the law — thus, the title of Zippelius' work in English could easily be “Thinking Like a German Lawyer.” This volume was chosen because of its wide influence in Germany and the fact that it provides not only intellectual insight in comparative legal systems, but also equips the practitioner to understand how the civil lawyer sitting across the table understands law — the insider comparativism that is the basis for the entire series.

An examination of the barbarian laws in Carolingian Europe, contributing to debates concerning written law, kingship and ethnic identities.

Since its first publication, this book has succeeded in establishing itself as the leading reference work on German tort law. It is a uniquely detailed and scholarly study which has no rival in the English language. Frequently cited in the courts when points of German law are under discussion, the book has now been heavily revised and completely updated to take account of the major changes to German law brought about as a result of reunification.

This history of the discipline of public law in Germany covers three dramatic decades of the Twentieth century. It opens with the First World War, analyses the highly creative years of the Weimar Republic, and recounts the decline of German public law that began in 1933 and extended to the downfall of the Third Reich.

This revised and fully up-to-date English translation of the 7th edition of the Casebook *Verfassungsrecht* includes a new outline of the German constitution, the BVerfG Court, and its jurisprudence. It condenses more than six decades of constitutional jurisprudence in order to familiarize readers with the style, technique, and language of the Court. As well as an analysis of the general principles of German constitutional law, the book covers the salient articles of the German Constitution and offers relevant extracts of the Court's most important decisions on the provisions of the Basic Law. It provides notes and discussions of landmark cases to illustrate their legal and historical context and give the reader a clear understanding of the principles governing German constitutional law. The book covers the fundamental rights catalogue of the Basic Law and offers a comprehensive account of its intellectual moorings. It includes landmark jurisprudence on the equal treatment of same-sex couples, life imprisonment, the legal structure of property, the right to assembly, and the right to informational self-presentation. The book also covers the provisions and respective case law governing the state structure of Germany, for instance the recent decisions on the prohibition of the far-right German nationalist party, and the Court's jurisprudence on European integration, including the most recent decisions on the OMT-program of the European Central Bank.

Comprehensive and accessible, this book offers a concise synthesis of the evolution of the law in Western Europe, from ancient Rome to the beginning of the twentieth century. It situates law in the wider framework of Europe's political, economic, social and cultural developments. It is thirteen years since the appearance of the successful second edition of this convenient English-language introduction to the law of

Germany. This new edition covers all the significant changes and innovations that have occurred during that period, encompassing the pervasive impacts of European Union law and of globalization, as well as the greatly increased activity of the German legislature in every area addressed in this volume. With fifteen lucid chapters written by academic experts in their respective fields of law, as well as detailed bibliographies, this is the ideal starting point for research whenever a question of German law must be answered. The authors clearly explain the legal concepts, customs, and rules arising from such basic elements as the following: – characteristic problems of German legal unity; – principles and practices of constitutional law; – administrative law and procedure; – the German Commercial Code; – formation and conduct of corporations and partnerships; – contracts; – tort liability; – property rights; – family law; – succession and inheritance; – labor and employment; – issues of private international law; – courts and civil procedure; – the penal code and criminal procedure. Introduction to German Law, Third Edition provides an authoritative description of all issues likely to emerge in the course of normal application of German law in any context.

German criminal law doctrine, as one of the more influential ones over time and on a global scale, takes rather different approaches to many of the problems of substantive law from those of the common law family of countries like the UK, the US, Canada, New Zealand, Australia etc. It also differs markedly from the system which is most often used in Anglophone writing as a civil law comparison, the French law. German criminal law is a code-based model and has been for centuries. The influence of academic writing on its development has been far greater than in the judge-oriented common law models. The book will serve as a useful aid to debates about codification efforts in countries that are mostly based on a case law system, but who wish to re-structure their law in one or several criminal codes. The comparison will show that similar problems occur in all legal systems regardless of their provenance, and the attempts of individual systems at solving them, their successes and their failures, can provide a rich experience on which other countries can draw and on which they can build. The book provides an outline of the principles of German criminal law, mainly the so-called 'General Part' (eg actus reus, mens rea, defences, participation) and the core offence categories (homicide, offences against property, sexual offences). It sets out the principles, their development under the influence of academic writing and judicial decisions. The book is not meant as a textbook of German criminal law, but is a selection of interrelated in-depth essays on the central problems. Wherever it is apposite and feasible, comparison is offered to the approaches of English criminal law and the legal systems of other common and civil law countries in order to allow common lawyers to draw the pertinent parallels to their own jurisdictions.

Since its first appearance in 1986, this magisterial work has won uniform praise from many of the world's leading comparatists. It has been acclaimed by senior judges and has been cited by the courts of many countries. This new, substantially rewritten and systematically updated fifth edition of the work, contains over 95 leading judgments, most translated in their entirety, along with references to over 2,000 other decisions from Germany and the common law world. While the book remains an ideal tool for teaching comparative torts and comparative methodology, the fact that it has been extensively rewritten makes it an indispensable source of inspiration for those with a professional interest in tort litigation and tort law reform. This edition has paid particular attention to liability for internet activity, medical liability and the protection of personality rights and private life.

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.

In modern employment practice, the question of who falls under the jurisdiction of German labor law (employees, freelancers, employers, works councils, labor unions, representatives for the disabled, employer's associations, etc.) is an increasingly salient issue faced by foreign firms and firm owners, human resource, tax, and legal departments, as well as investors and foreign employees. Specifically, many firms have questions concerning the application of German law for establishing, managing, and terminating employment contracts with foreign or German workers within Germany. In this connection, issues frequently arise concerning foreign assignment, residency, and visa law, and an extremely wide range of legal provisions must be taken into account, including the AGG (General Non-Discrimination Act), BetrVG (German Employees Representation Act), Tarifrecht (Collective Bargaining Law), BUrlG (German Federal Leave Act), TzBfG (Part-Time Work and Fixed-Term Employment Act), AÜG (Employee Transfer Act), BDSG (German Federal Data Protection Act), KSchG (German Protection Against Dismissal Act), Entgeltfortzahlungsg (Continued Remuneration Act), GewO (German Industrial Code), and MutterschutzG (Maternity Protection Act). Beyond this, secondary questions related to income tax law, international taxation, and social security law may arise. Against this complex backdrop, the present work intends to answer questions most frequently asked by foreigners when dealing with German employment law.

German substantive criminal law has been influential in many civil law countries, most notably in the Hispanic world. In the common law countries, not surprisingly because of the systemic differences in approach, its impact has been much less, if not negligible. This may be largely explained as a result of the language barrier. An up-to-date and reliable English translation of the German Criminal Code has been conspicuously missing for some time. This book presents a new English translation of the Strafgesetzbuch, (the Criminal Code), in its most recent amended form of August 2007. The Code is the centrepiece of German substantive criminal law and informs the interpretation and application of any other criminal provisions which can be found in specific legislation. The translation thus affords an opportunity to profit from a legal tradition that has had a major influence over history and has a rich experience of doctrinal analysis. The translation adheres as closely as possible to the textual structure of the original, but has been made palatable to an English ear. It is intended as a companion to the author's Principles of German Criminal Law which was published in December 2008. Please click on the link below for further details.

[www.hartpub.co.uk/books/details.asp?isbn=9781841136301](http://www.hartpub.co.uk/books/details.asp?isbn=9781841136301).

Die Grundideen und Strukturen einer Rechtsordnung erschließen sich am besten bei einer Gesamtbetrachtung möglichst aller ihrer Teile. Aus einer Hand werden in der aktuellen englischsprachigen Auflage die für das Verständnis und die praktische Handhabung wesentlichen Gebiete und Grundfragen des deutschen Rechts dargestellt. Studenten in den Anfangssemestern, Praktiker und vor allem ausländische Studierende finden hier einen Überblick und erste Informationen über die deutsche Rechtsordnung. Der Band ist ideal auch für das Erlernen der englischen Fachterminologie. Die 5. Auflage berücksichtigt die aktuellen Auswirkungen der europäischen Rechtsentwicklung für das deutsche Recht und bringt die Darstellung auf den neuesten Stand. Der Autor ist Professor für öffentliches Recht an der Universität Trier und Vorstand des Instituts für europäisches Verfassungsrecht

German public law has been taught in universities since the early 17th century and continues to this day to be a dominant subject in German legal culture, especially in its modern incarnations of constitutional and administrative law, and European and

international law. Michael Stolleis's *Public Law in Germany: A Historical Introduction from the 16th to the 21st Century*, expertly translated by Thomas Dunlap, provides an account of the fundamental developments in public law that situates current debates in the German Federal Constitutional Court as well as the role of the nation-state in Europe more broadly. It further examines the role of fundamental rights through the lens of Germany's special administrative courts and discusses their important role in the advancement of German law. Written with students in mind, the book distils Stolleis's masterful four-volume *History of Public Law in Germany*, the third volume of which (1914-1945) was published by Oxford University Press in 2004. It is an invaluable companion to the understanding of German public law more generally.

This text provides a comprehensive description in the English language of the German law of unjust enrichment, by explaining how this works in the context of German law, and by discussing the implications this would have if the German system were implemented in an English legal environment.

*Labour Law and Industrial Relations in Germany* gives the reader a broad understanding of German labour law covering all important aspects. The book deals with the sources of labour law, individual employment relationships, collective bargaining, remuneration, working conditions, and dispute settlement.

During the division of Germany, law became the object of ideological conflicts and the means by which the two national governments conducted their battle over political legitimacy. *Legal Entanglements* explores how these dynamics produced competing concepts of statehood and sovereignty, all centered on citizens and their rights. Drawing on wide-ranging archival sources, including recently declassified documents, Sebastian Gehrig traces how politicians, diplomats, judges, lawyers, activists and intellectuals navigated the struggle between legal ideologies under the pressures of the Cold War and decolonization. As he shows, in their response to global debates over international law and human rights, their work kept the legal cultures of both German states entangled until 1989.

*Law | Book | Culture in the Middle Ages* takes a detailed view on the role of manuscripts and the written word in legal cultures, spanning the medieval period across western and central Europe.

First published in 1989, *The Constitutional Jurisprudence of the Federal Republic of Germany* has become an invaluable resource for scholars and practitioners of comparative, international, and constitutional law, as well as of German and European politics. The third edition of this renowned English-language reference has now been fully updated and significantly expanded to incorporate both previously omitted topics and recent decisions of the German Federal Constitutional Court. Compared to previous editions of *The Constitutional Jurisprudence of the Federal Republic of Germany*, this third edition more closely tracks Germany's Basic Law and, therefore, the systematic approach reflected in the most respected German constitutional law commentaries. Entirely new chapters address the relationship between German law and European and international law; social and economic rights, including the property and occupational rights cases that have emerged from Reunification; jurisprudence related to issues of equality, particularly gender equality; and the tension between Germany's counterterrorism efforts and its constitutional

guarantees of liberty.

This book examines the German law of torts using the comparative method, making frequent references to American, English, and French material. Completely revised and updated, it includes commentary on the tort provisions of the German Civil Code as well as English translations of leading decisions of the German Courts. Translations of the relevant sections of the Road Traffic Act 1952 and the Strict Liability Act 1979 have also been included. Most of the cases and statutes are accompanied by explanatory notes providing parallel solutions of English and American law, making this book an invaluable reference for practitioners and students of German and comparative law.

German Legal System and Laws provides a comprehensive introduction to the German legal system and the core areas of substantive law of Germany. Constitutional law is the foundation German law and this area has been given fuller consideration in this third edition. This area is now dealt with in three separate chapters given over to Constitutional Organs of State, Basic Rights and Administrative law. The text has been fully amended and updated with regard to a wealth of legislation and case law which has radically altered the course of German law in recent months. Special consideration is given to the area of the law of obligations, which has undergone radical change recently. Included are expanded and updated extracts from the Grundgesetz and fully revised glossaries of German legal terms.

This book explains the structure and terminology of some of the main areas of German public and private law. Amid the increasing complexity of international legal relations, the book provides a firm reference point for those native English speakers who deal with legal matters in Germany, for those who wish to grasp the nettle of the intricate German legal system and language for the first time and for those who aim to qualify as German lawyers.

Described in the Cambridge Law Journal as 'an intellectual achievement of the highest order' and 'a landmark in comparative legal studies' Professor Markesinis' book has earned a reputation among scholars and students as a truly monumental work of scholarship. This, the leading work on the subject, will be essential reading for all scholars of tort law, scholars of comparative legal studies and undergraduate students in both areas

Elgar Advanced Introductions are stimulating and thoughtful introductions to major fields in the social sciences and law, expertly written by the world's leading scholars. Designed to be accessible yet rigorous, they offer concise and lucid surveys of the substantive and policy issues associated with discrete subject areas. In this Advanced Introduction, one of the world's leading private law scholars takes the reader on an intellectual journey through the different facets and dimensions of the field, from the family home to Kuta Beach and from Thomas Piketty to Nina Hagen. This concise book provides an accessible and fresh introduction to private law, presenting the topic as a unified whole of which the main branches – on contract, tort, property, family and inheritance – are governed by conflicts between individual autonomy and countervailing principles. The book stands out as a unique account of how private law allows individuals to optimally

flourish in matters of economy, work, leisure, family and life in general.

Rev. ed. of : An introduction to United States law. 1976.

In their time these important court cases influenced the development of a democratic legal system in a country struggling to overcome Hitler's legacy. Today they cast a unique light on seventy years of West German social and political history. It is nearly ten years since the appearance of the successful first edition of this convenient English-language introduction to the law of Germany. This new edition covers all the significant changes and innovations that have occurred during that period, encompassing the pervasive impacts of European law and of globalisation, the major recent reform of the German Civil Code, and the greatly increased activity of the German legislature in every area. With fifteen lucid chapters written by academic experts in their respective fields of law, as well as detailed bibliographies, this is the ideal starting point for research whenever a question of German law must be answered. The authors clearly explain the legal concepts, customs, and rules arising from such basic elements as the following: characteristic problems of Germany legal unity; principles and practices of constitutional law; administrative law and procedure; the German Commercial Code; formation and conduct of corporations and partnerships; contracts; tort liability; property rights; family law; succession and inheritance; labor and employment; issues of private international law; courts and civil procedure; the penal code and criminal procedure. Introduction to German Law, Second Edition provides an authoritative description of all issues likely to emerge in the course of normal application of German law in any context.

The main principles and structures of a legal system are most easily to grasp if seen in a complete overview of all various parts. This book addresses the most important subjects for understanding and handling of the German law. Law students at the beginning of their studies, foreign students and practitioners as well as interested lays will find this monograph to give an overview and first information about the German legal system. Special regard is given to the effects of the European legal development on the German law. The author is professor for public law at the University of Trier and director of the Institute for European Constitutional Law.

While we often tend to think of the Third Reich as a zone of lawlessness, the Nazi dictatorship and its policies of persecution rested on a legal foundation set in place and maintained by judges, lawyers, and civil servants trained in the law. This volume offers a concise and compelling account of how these intelligent and welleducated legal professionals lent their skills and knowledge to a system of oppression and domination. The chapters address why German lawyers and jurists were attracted to Nazism; how their support of the regime resulted from a combination of ideological conviction, careerist opportunism, and legalistic selfdelusion; and whether they were held accountable for their Nazi-era actions after 1945. This book also examines the experiences of Jewish lawyers who fell victim to anti-Semitic measures.

The volume will appeal to scholars, students, and other readers with an interest in Nazi Germany, the Holocaust, and the history of jurisprudence.

Increasingly, international governmental networks and organisations make it necessary to master the legal principles of other jurisdictions. Since the advent of international criminal tribunals this need has fully reached criminal law. A large part of their work is based on comparative research. The legal systems which contribute most to this systemic discussion are common law and civil law, sometimes called continental law. So far this dialogue appears to have been dominated by the former. While there are many reasons for this, one stands out very clearly: Language. English has become the lingua franca of international legal research. The present book addresses this issue. Thomas Vormbaum is one of the foremost German legal historians and the book's original has become a cornerstone of research into the history of German criminal law beyond doctrinal expositions; it allows a look at the system's genesis, its ideological, political and cultural roots. In the field of comparative research, it is of the utmost importance to have an understanding of the law's provenance, in other words its historical DNA.

Business networks consist of several independent businesses that enter into interrelated contracts, conferring on the parties many of the benefits of co-ordination achieved through vertical integration in a single firm, without creating a single integrated business such as a corporation or partnership. Retail franchises are one such example of a network, but the most common instance is a credit card transaction between a customer, retailer, and the issuer of the card. How should the law analyse this hybrid economic phenomenon? It is neither exactly a market relationship - because that overlooks the co-ordination, relational qualities and interdependence of the contracts - nor is it a type of business association or company, since it lacks a centralised co-ordinating authority that receives the residual profits. This book is a translation of Gunther Teubner's classic work on networks, setting out his novel legal concept of 'connected contracts'. In it he explains how this concept addresses the problems posed by networks, such as the question whether the network as a whole can be held legally responsible for damage that it causes to third parties such as customers. A substantial introduction by Hugh Collins explains the analysis of networks in the context of German law and the systems theory from which Teubner approaches the topic. The introduction also explores how far the concept of connected contracts might assist in the common law world, including the UK and the USA, to address the same problems that arise in cases involving networks. As well as making a contribution to comparative law and legal theory, the book will be of interest to scholars interested in contract law, commercial law and the law of business associations.

Introduction to Public Law offers a new approach to public law, defined as the law of the public good, by drawing on historical and comparative analysis of England, France, Germany and the United States.

Recently the contract section of the German Civil Code was amended after one hundred years of un-altered existence. The German Law of Contract, radically recast, enlarged, and re-written since its first edition, now details and explains for the first time these changes for the benefit of Anglophone lawyers. One hundred and twenty translated contract decisions also make this work a unique source-book for students, academics, and practitioners. Along with its companion volume, The German Law of Torts, the two volumes provide one of the fullest accounts of the German Law of Obligations available in the English language. Through its method of presentation of German law, the book represents an original contribution to the art of comparison. An additional feature of the Contract volume is the way in which it reveals the growing impact which European Directives are having upon the traditional, liberal, contract model, thereby bringing German and English law closer to each other, especially in the area of consumer protection.

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