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von Landenberg-Roberg, Michael

## Elternverantwortung im Verfassungsstaat

### Rekonstruktion der Grundrechtsdogmatik des Art. 6 Abs. 2 GG

2020. Approx. 1080 pages.  
forthcoming in December

ISBN 9783161593345  
cloth approx. 170,00 €

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With its article on parental responsibility, the Basic Law protects an interactive relationship that is of equal existential importance to the personal development of both child and parent. Michael von Landenberg-Roberg reconstructs the developmental history of Art. 6 (2) of the Grundgesetz and drafts the structures for its future-orientated dogmatic operationalisation.

Bethge, Johannes

## Der Sachverhalt der Normenkontrolle

Volume 48  
2020. XII, 247 pages.  
forthcoming in October

ISBN 9783161592195  
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ISBN 9783161592201  
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Facts play a decisive role in the judicial review of legislation. Analyzing the case law of both the EU's Court of Justice and the German Federal Constitutional Court, this study takes a comparative approach to investigating the different strategies courts employ to handle these factual questions and the problems involved.

Lenz, Stefan

## Kommunalverwaltung und Demokratieprinzip

Volume 47  
2020. XVII, 395 pages.

ISBN 9783161594014  
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ISBN 9783161594021  
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The existence of a democratic system of local government within a democratic state has bothered German jurisprudence since the Weimar Republic. Stefan Lenz's study traces the complex relations between how local authorities are run and the democratic principle enshrined in Germany's basic law. Though doctrinal in its focus, insights from legal history and theory as well as the social sciences give the study a wide-ranging outlook.

Wolff, Daniel

## Der Einzelne in der offenen Staatlichkeit

### Grundgesetzlicher Grundrechtsschutz in der zwischenstaatlichen Kooperation

Volume 46  
2020. XXV, 462 pages.

ISBN 9783161588532  
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ISBN 9783161588549  
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Do the fundamental rights of the German Basic Law protect individuals against adverse effects emanating from cooperation between the Federal Republic of Germany and other nations? Daniel Wolff provides a nuanced answer to this question by developing a comprehensive theory of fundamental rights application for international cooperation cases.

Klenner, Stephan

## Schülergrundrechte

Zum Spannungsverhältnis von Grundrechten, Elternrecht und staatlichem Auftrag bei politischer und journalistischer Betätigung minderjähriger Schüler. Zugleich ein Beitrag zur parteirechtlichen Einordnung politischer Schülervereinigungen

Volume 45  
2019. XV, 258 pages.

ISBN 9783161576584  
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The extent to which pupils are allowed to pursue political and journalistic activities at school is controversial. Stephan Klenner examines the requirements stipulated by the Basic Law and questions whether the states take these provisions into account in school law. He also analyzes the status of political pupil associations according to the Political Parties Act.

Hilpert, Johannes

## Begründungspflicht des Bundesverfassungsgerichts?

§ 93d Abs. 1 S. 3 BVerfGG im Widerstreit mit verfassungs- und konventionsrechtlichen Vorgaben

Volume 44  
2019. XXVIII, 508 pages.

ISBN 9783161577130  
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ISBN 9783161577147  
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Germany's Constitutional Court rejects most of the constitutional complaints it receives without giving reasons why. But is it actually allowed to do this? Johannes Hilpert examines the court's obligations and finds that providing justification is an indispensable mechanism for establishing democratic control, legal conformity and ensuring an effective submission of individual applications to the European Court of Human Rights.

Bach, Michael

## Der kommunale Finanzausgleich als Existenzsicherung der Selbstverwaltungsgarantie

Eine dogmatische und rechtstheoretische Analyse des Gemeindefinanzsystems

Volume 43  
2019. XXII, 443 pages.

ISBN 9783161547454  
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ISBN 9783161547461  
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A vibrant democracy needs a strong communal basis able to serve the needs of its citizens. This is particularly true during the likes of the current refugee crisis when additional exceptional obligations are added to already high financial burdens. In order to solve the decades-long dilemma of finding a suitable municipal funding basis, Michael Bach employs integrative legal theory to derive an independent model for finance equalisation.

Kruse, Frauke

## Die verfassungsrechtlichen Grenzen richterlicher Rechtsfortbildung

Zur Gesetzmäßigkeit der Rechtsprechung unter dem Grundgesetz

Volume 42  
2019. XI, 222 pages.

ISBN 9783161576171  
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ISBN 9783161576188  
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The legal system requires continuous adjustment to keep up with new realities – a task that the legislator alone cannot fulfil. Courts and their judgments therefore also play a role in advancing the law. Frauke Kruse's study finds that the existing constitutional limitations ought to be reset.



Ostermann, Gregor-Julius

## Transparenz und öffentlicher Meinungsbildungsprozess

### Eine verfassungsrechtliche Untersuchung

Volume 41  
2019. XVII, 530 pages.

ISBN 9783161568084  
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The concept of transparency is characterized by a peculiar ambivalence. This also applies to transparency in the democratic public opinion-forming process. Has transparency become an end in itself? And what should we know about one another in a democratic order?

Egidy, Stefanie

## Finanzkrise und Verfassung

### Demokratisches Krisenmanagement in Deutschland und den USA

Volume 40  
2019. XXIII, 741 pages.

ISBN 9783161550386  
cloth 134,00 €

ISBN 9783161552137  
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During the 2007–09 financial crisis, the German legislature provided the executive with wide-ranging powers in order to stabilise markets. However, in contrast to those issued by the US Congress, the German laws did not include effective mechanisms for controlling the exercise of these powers or for creating transparency. In this comparative study, Stefanie Egidy identifies the decision criteria, the conflicting goals, and the limits of the respective approaches taken. She concludes that Germany's measures should not serve as a role model in future crises.

Chatziathanasiou, Konstantin

## Verfassungsstabilität

### Eine von Artikel 146 Grundgesetz ausgehende juristische und (experimental-)ökonomische Untersuchung

Volume 39  
2019. XII, 208 pages.

ISBN 9783161565045  
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ISBN 9783161565052  
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What makes for a stable constitution? The enigmatic Article 146 of Germany's Basic Law points to conditions beyond the purely legal. Konstantin Chatziathanasiou's interdisciplinary study pulls together strands from political economy and quantitative comparative law to test conditions of a stable social order experimentally.

O'Hara, Laurence

## Konsistenz und Konsens

### Die Anforderungen des Grundgesetzes an die Folgerichtigkeit der Gesetze

Volume 38  
2018. XVI, 267 pages.

ISBN 9783161557354  
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Over the past two decades, the German Federal Constitutional Court fundamentally changed its approach to contradictions within the law. In this volume, Laurence O'Hara gives a systematic account of the new requirements and their scholarly reception. He shows how obligations of legislative consistency fit into the concept of a modern democratic constitutional state – especially how they relate to the way the constitutional institutions interact to generate public rationality.

Kromrey, Ilka

## Belastungskumulation

Ein Beitrag zur Erweiterung des grundrechtlichen Eingriffsbegriffs

Volume 37  
2018. XII, 223 pages.

ISBN 9783161555374  
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The conventional judicial doctrine on interference, according to which restrictions on freedom are to be individually measured against the yardstick of fundamental rights, does not live up to legal reality. In order to encompass combined government measures exhaustively, the doctrine has to be opened up to the accumulation of burden.

Vogelsang, Jennifer

## Kommunikationsformen des Internetzeitalters im Lichte der Kommunikationsfreiheiten des Grundgesetzes

Volume 36  
2017. XXII, 282 pages.

ISBN 9783161553783  
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No technological development has influenced social interaction more profoundly than the internet. For Jennifer Vogelsang, this is a reason to take a look at the means of communication offered by the digital revolution from a perspective of constitutional as well as public law and to reconsider current definitions of freedom of communication.

Tischbirek, Alexander

## Die Verhältnismäßigkeitsprüfung

Methodenmigration zwischen öffentlichem Recht und Privatrecht

Volume 35  
2017. X, 239 pages.

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Proportionality analysis has been subject to the influences of public law and private law doctrine alike. At the same time, proportionality thinking itself has characteristically shaped its respective fields of application, while it is being received in more and more areas of law. Alexander Tischbirek gives a historic reconstruction and a systematic reappraisal of this migration of doctrine across the disciplinary boundaries of public law and private law.

Tischbirek, Alexander

## Die Verhältnismäßigkeitsprüfung

Methodenmigration zwischen öffentlichem Recht und Privatrecht

Volume 35  
Unchanged paper edition 2020; first edition 2017. X, 239 pages.

ISBN 9783161594427  
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Proportionality analysis has been subject to the influences of public law and private law doctrine alike. At the same time, proportionality thinking itself has characteristically shaped its respective fields of application, while it is being received in more and more areas of law. Alexander Tischbirek gives a historic reconstruction and a systematic reappraisal of this migration of doctrine across the disciplinary boundaries of public law and private law.



Wieckhorst, Arno

## Grundrechtsschutz durch Legislativverfahren

Grundrechtlich induzierte Prozeduralisierung der Gesetzgebung und ihrer Kontrolle im Verfassungs- und Unionsrecht

Volume 34  
2017. XVIII, 668 pages.

ISBN 9783161552083  
cloth 124,00 €

ISBN 9783161552250  
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Constitutional demands regarding the legislative decision-making process remain controversial. Refining the procedural dimension of fundamental rights, the author establishes a constitutional obligation of the legislature for impact assessments when it comes to the factual living conditions and legally protected rights of the individual.

Lassahn, Philipp

## Rechtsprechung und Parlamentsgesetz

Überlegungen zu Anliegen und Reichweite eines allgemeinen Vorbehalts des Gesetzes

Volume 33  
2017. XVIII, 298 pages.

ISBN 9783161553844  
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ISBN 9783161553851  
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In German constitutional law, the separation of powers between the legislator and the judiciary is still far from being entirely settled. While some scholars claim that courts should be barred from making certain decisions where legislative input is lacking, this book argues that this is precisely what courts are there for.

Stumpf, Gerrit Hellmuth

## Ungeschriebener Parlamentsvorbehalt und akademische Selbstverwaltungsgarantie

Ein Beitrag zur Reichweite der Satzungsautonomie wissenschaftlicher Hochschulen im Bereich des Promotionswesens

Volume 32  
2017. XXXIV, 839 pages.

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Universities everywhere make entrance to study for a doctorate dependent on far-reaching statutory requirements. In light of the doctrine of unwritten parliamentary prerogative, Gerrit Hellmuth Stumpf takes the opportunity to critically question the certainty with which they have claimed this right »since time« immemorial.

Schlegel, Stefan

## Der Entscheid über Migration als Verfügungsrecht

Eine Anwendung der Ökonomischen Analyse des Rechts auf das Migrationsrecht am Beispiel der Schweiz

Volume 31  
2017. XXI, 375 pages.

ISBN 9783161548727  
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The control over someone's migration to a certain place is the control over a good and therefore a property right. Immigration law is described as the sum of rules allocating property rights on migration and defining transaction rules for these rights. Based on a case study of Swiss immigration law, Stefan Schlegel develops a framework to systematically apply property rights theory to immigration law.



Röhrig, Sarah

## Religiöse Symbole in staatlichen Einrichtungen als Grundrechtseingriffe

Volume 30  
2017. XXI, 294 pages.

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Even 20 years after the German Federal Constitutional Court's »crucifix decision«, the question of whether religious symbols should be allowed in state facilities is still a contentious one. Their admissibility depends on whether the fundamental rights of whoever is confronted by such a symbol are encroached. Sarah Röhrig contends that proper legal assessment of the matter demands a thorough understanding of the actual effects triggered by the confrontation. To that end, she places socio-psychological and religious-psychological research results in the context of fundamental rights.

Klafki, Anika

## Risiko und Recht

### Risiken und Katastrophen im Spannungsfeld von Effektivität, demokratischer Legitimation und rechtsstaatlichen Grundsätzen am Beispiel von Pandemien

Volume 29  
2017. XXIX, 438 pages.

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Risks are uncertain future threats, which present the law with a multitude of challenges. Anika Klafki develops abstract measures for risk regulation and applies them to a hitherto under-appreciated field of reference – the law of pandemics.

Lackermair, Markus

## Hybride und Chimären

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Volume 28  
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Hybrid embryos consisting of human cells and a cow's egg cell, apes with humanised brains, a pig's heart in a human chest – biologists' chimeric creations of the most diverse mix of what is human and what is animal forces us to rethink what a human is and where the distinction between humans and animals lies.

Sokol, Ljuba

## Die Bestimmung der Verantwortlichkeit für die Abwehr und Beseitigung von Störungen im öffentlichen und privaten Recht

Volume 27  
2016. XVII, 446 pages.

ISBN 9783161544668  
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This volume serves to create a consistent liability regime for countering disturbances in police and civil law. Ljuba Sokol analyses the criteria for defining the troublemaker and allocation of cost method in order to highlight structural similarities that would justify an approximation of the laws.



Weigelt, Thomas

## Die wachsende Stadt als Herausforderung für das Recht

### Rechtliche Instrumente zum Erhalt und zur Schaffung heterogener Bevölkerungsstrukturen in der Innenstadt

Volume 26  
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Germany's inner cities are enjoying a renaissance but as these areas become more expensive, housing within them is in danger of turning into a luxury only few can afford. In Berlin, Hamburg and Munich there is danger that deprived areas, like those in London and Paris, emerge. Although numerous tools – urban zoning, planning regulations, contract law and criminal sanctions – are available to support German planners to develop stable and diverse communities, these could be further strengthened. The author reveals how and suggests legal changes.

Reiling, Katharina

## Der Hybride

### Administrative Wissensorganisation im privaten Bereich

Volume 25  
2016. XVI, 415 pages.

ISBN 9783161541452  
sewn paper 79,00 €

ISBN 9783161546266  
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Private companies are increasingly obligated to share risk management knowledge with public administration authorities through special interface units. Katharina Reiling analyses how this hybrid model eases information transfer from the private to public domain and develops a framework to deal with resultant legal problems.

Krisor-Wietfeld, Katharina

## Rahmenbedingungen der Grundrechtsausübung

### Insbesondere zu öffentlichen Foren als Rahmenbedingung der Versammlungsfreiheit

Volume 24  
2016. XXV, 303 pages.

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Does the protection of fundamental rights end if framework conditions for their exercise are subject to private property rights? Or can private actors be subject to legal obligations to tolerate the exercise of fundamental rights on their premises? Focusing on public forums as the framework condition for the exercise of the freedom to assemble, the author renders an analysis which can be applied to any kind of framework condition for the exercise of any fundamental right.

Reichert, Johannes

## Der Schutz des Kernbereichs privater Lebensgestaltung in den Polizeigesetzen des Bundes und der Länder

Volume 23  
2015. XVIII, 250 pages.

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The Federal Constitutional Court has established a core area of private life which the state must not infringe on no matter what objective it may be pursuing. According to the court, legislators are obliged to enact provisions to actively safeguard this area. However, contradictions within the concept itself make this no easy task for legislators.

Breckwoldt, Maïke

## Grundrechtskombinationen



Volume 22  
2015. X, 255 pages.

ISBN 9783161537905  
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The Federal Constitutional Court does not often judge the constitutionality of a state measure – as is customary according to traditional understanding – on the basis of a single constitutional right, but rather combines several warranties for this purpose. Maïke Breckwoldt poses the question as to what effects these combinations of federal rights have on the protection of fundamental rights.

Hänsle, Walter

## Streik und Daseinsvorsorge

Verfassungsrechtliche Grenzen des Streikrechts in der Daseinsvorsorge. Zugleich ein Beitrag zur Staatsaufgabenlehre sowie zur Grundrechtsdogmatik des Art. 9 Abs. 3 GG

Volume 21  
2016. XXXV, 827 pages.

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Walter Hänsle examines the legal conflict which arises when strikes cause disruption to the public service sector and compromise general interests. The author uncovers the constitutional limitations which exist in this respect and considers public service provision in the context of governments' normative duties, as well as the right to strike against the backdrop of a modified fundamental rights doctrine.

Starski, Paulina

## Der interföderale Verwaltungsakt

Eine rechtsvergleichende Studie

Volume 20  
2014. XVI, 516 pages.

ISBN 9783161531323  
cloth 114,00 €

Paulina Starski analyzes the binding effects of administrative acts issued by States («Länder») within the entire Federal Republic of Germany and studies their counterparts in the USA and Switzerland from a comparative perspective. She establishes the interdependencies between the legal conception of cross-border administrative action on an interfederal and supranational level as well as the sphere of international law.

Jaguttis, Malte

## Gesteuerte Freiheit

Das Urban Governance Instrument der Improvement Districts und Verfassungsrecht

Volume 19  
2014. X, 290 pages.

ISBN 9783161531804  
sewn paper 59,00 €

Improvement districts reflect a transformation of urban development, shifting boundaries of the public and the private sphere as well as changes in constitutional thinking. In order to explore their legal architecture, Malte Jaguttis connects the perspectives of legal theory, constitutional law and the principles of administrative law.

Bode, Matthias

## Die auswärtige Kulturverwaltung der frühen Bundesrepublik

Eine Untersuchung ihrer Etablierung zwischen Norminterpretation und Normgenese

Volume 18  
2014. XVI, 800 pages.

ISBN 9783161522116  
sewn paper 109,00 €

The administration of foreign cultural relations has always been an area of conflict between the federal government, the federal states as well as political figures. Matthias Bode studies the repercussions of these discourses as well as the administrative actions on constitutional law.

Piechaczek, Oliver

## Lobbyismus im Deutschen Bundestag

### Lobbytätigkeiten von Bundestagsabgeordneten (Built-in-Lobbyismus) im Lichte des Verfassungs- und des Abgeordnetenrechts

Volume 17  
2014. XIII, 279 pages.

ISBN 9783161526114  
sewn paper 69,00 €

Lobbying is seen as one of the main ongoing problems of democratic systems. Using the neologism »built-in lobbying.« and citing secondary employment as an example, Oliver Piechaczek approaches this from the perspective of constitutional law, studying the aspects of an organized and specific exercise of influence on members of parliament to assert particular interests.

Lehner, Roman

## Zivilrechtlicher Diskriminierungsschutz und Grundrechte

### Auch eine grundrechtliche Betrachtung des 3. und 4. Abschnittes des Allgemeinen Gleichbehandlungsgesetzes (§§ 19–23 AGG)

Volume 16  
2013. XXIV, 451 pages.

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Do fundamental rights make it necessary for lawmakers and civil courts to take action to protect against discrimination in general private law? And in turn where do fundamental rights set the boundaries to the protection against discrimination in civil law? Roman Lehner studies the theories of the influence of fundamental rights on private law against the backdrop of this question.

Schwabenbauer, Thomas

## Heimliche Grundrechtseingriffe

### Ein Beitrag zu den Möglichkeiten und Grenzen sicherheitsbehördlicher Ausforschung

Volume 15  
2013. XV, 472 pages.

ISBN 9783161527029  
sewn paper 94,00 €

The investigative state attempts, in many cases and with completely good intentions, to obtain information about individuals by covert investigation. Thomas Schwabenbauer studies the relative and absolute limits of this quest in the German Basic Law, the significance of privacy for the limits and the role of parliament in view of technological progress.

Bünnigmann, Kathrin

## Die »Esra«-Entscheidung als Ausgleich zwischen Persönlichkeitsschutz und Kunstfreiheit

### Rechtsprechung im Labyrinth der Literatur

Volume 14  
2013. XXXVIII, 617 pages.

ISBN 9783161524813  
cloth 139,00 €

Recently there have been several cases of people recognizing themselves as fictional characters in novels and going to court to defend themselves against these portrayals. Kathrin Bünnigmann deals with the relevance of literary texts in regard to the right to privacy and, using an interdisciplinary approach, provides a model for balancing artistic freedom and the protection of privacy.

Haas, Julia

## Der Ombudsmann als Institution des Europäischen Verwaltungsrechts

Zur Neubestimmung der Rolle des Ombudsmanns als Organ der Verwaltungskontrolle auf der Grundlage europäischer Ombudsmann-Einrichtungen

Volume 13  
2012. XXXVI, 804 pages.

ISBN 9783161522284  
cloth 154,00 €

The Scandinavian institution of the ombudsman has been implemented in nearly all European legal systems. Meanwhile, there are multiple interpretations of what characterizes this legal institution. Julia Haas shows that the profiling of the ombudsman as a core figure of European administrative law requires a focus on its classical role in administrative supervision and develops the legal concept of a control-oriented model ombudsman.

Hahn-Lorber, Marcus

## Parallele Gesetzgebungskompetenzen

Nicht-hierarchische Kompetenzverteilung im deutsch-schottischen Verfassungsvergleich

Volume 12  
2012. XXVII, 439 pages.

ISBN 9783161516863  
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Many constitutions in Europe allocate legislative powers to regions, a federal government and the European Union. This allocation has become more dynamic, and there are now non-hierarchical allocations. Using the term »Parallel Legislative Powers,« Marcus Hahn-Lorber examines these based on German and Scottish constitutional law.

Survey of contents

Vorwort

Kapitel 1: Einleitung

- I. Gegenstand der Untersuchung*
- II. Ziel und Aufbau der Untersuchung*

Kapitel 2: Grund- und Vorfragen paralleler Gesetzgebungskompetenzen: Recht und Theorie des Bundesstaates und die Föderalismusreform 2006

- I. Bundesstaatsprinzip und Kompetenzordnung*
- II. Theoretische Perspektive: Bundesstaat als Institution*
- III. Aktuelle Anknüpfung: Gesetzgebungskompetenzen nach der Föderalismusreform I*
- IV. Ausblick*

Kapitel 3: Grundlagen des britischen Verfassungsrechts und ihre Weiterentwicklung durch parallele Gesetzgebungskompetenzen

- I. Einführung: Devolution im plurinationalen Verbundstaat als Kontrast zu Bundesstaatlichkeit*
- II. Parlamentsouveränität und legislative Suprematie des Westminster Parlament*
- III. Devolution, Parlamentsouveränität und plurinationaler Verbundstaat*
- IV. Ergebnisse und Ausblick*

Kapitel 4: Gemeinsame verfassungssystematische Grundlagen paralleler Gesetzgebungskompetenzen

- I. Nutzen der Erarbeitung gemeinsamer Grundlagen*
- II. Gemeinsame Strukturen und Interpretation von Kompetenznormen*
- III. »Souveränität« und Gesetzgebungskompetenzen*
- IV. Perspektiven für die Kompetenzdiskussion*

Kapitel 5: Die Dogmatik paralleler Gesetzgebungskompetenzen im Grundgesetz

- I. Art. 72 Abs. 3 GG als Verwirklichung paralleler Gesetzgebungskompetenzen*
- II. Parallele Gesetzgebungskompetenzen für das Verwaltungsverfahren, Art. 84 Abs. 1 Satz 2 bis 4 GG*
- III. Zusammenfassender Ausblick*

Kapitel 6: Parallele Gesetzgebungskompetenzen gemäß ss. 28, 29 Scotland Act 1998

- I. Parallele Gesetzgebungskompetenzen im Vereinigten Königreich*
- II. Die sachlichen Bereiche paralleler Gesetzgebungskompetenzen gemäß Scotland Act 1998*
- III. Abgrenzung der Kompetenzbereiche durch Interpretation: Der politische Prozess und die Gerichtsbarkeit*
- IV. Bezüge zum weiteren Zusammenhang der Kompetenzordnung*
- V. Zusammenfassende Bewertung*

Kapitel 7: Dogmatischer und methodischer Ausblick: Parallele Gesetzgebungskompetenzen in Devolution und Bundesstaat

- I. Dogmatische Grundlinien: Parallele Gesetzgebungskompetenzen als Modus*
- II. Parallele Gesetzgebungskompetenzen: Subsidiarität als methodischer Grundgedanke*
- III. Das Kollisionsrecht paralleler Gesetzgebungskompetenzen*
- IV. Parallele Gesetzgebungskompetenzen als Aktualisierung der bisherigen Kompetenzlehre und Ausblick*

Kapitel 8: Thesen

Kapitel 9: Summary



Beyerbach, Hannes

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### Grundrechtlich geschützte Betriebs- und Geschäftsgeheimnisse als Schranke einfachrechtlicher Informationsansprüche

Volume 11  
2012. XXIV, 413 pages.

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Hannes Beyerbach deals with the extent to which trade secrets are protected by fundamental rights and how this affects the information links between private companies and persons or between the state and private companies. The multi-level structure for supplementary protection, which was developed for this purpose, provides knowledge for all rights to information which concern companies, specifically the more recent rights to freedom of information.

Neupert, Michael

## Rechtmäßigkeit und Zweckmäßigkeit

### Das Rahmen-Bild-Modell der verwaltungsgerichtlichen Kontrolldichte bei der Eingriffsverwaltung

Volume 10  
2011. IX, 176 pages.

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The differentiation between legality and expediency is one of the central tenets of the theory of administrative law. It is Michael Neupert's opinion that this is superfluous and impracticable, and this is why he is searching for alternatives.

Kempny, Simon

## Die Staatsfinanzierung nach der Paulskirchenverfassung

### Eine Untersuchung des Finanz- und Steuerverfassungsrechts der Verfassung des deutschen Reiches vom 28. März 1849

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Taxation is essential to every state—and taxation is a threat to the economic freedom of the individual. Therefore in every constitution the provisions on taxation are of paramount importance. Simon Kempny examines how the issues of taxation and public finance are dealt with in the first modern German constitution, adopted on March 28, 1849.

Teifke, Nils

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### Zur Abwägungsfähigkeit des Höchststrangigen

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ISBN 9783161506918  
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Is human dignity an absolute principle or is it amenable to weighing and therefore a limitable right like other constitutional rights? In his work, Nils Teifke examines this questions by analyzing the structure of Article 1 (1) of the Constitution («Grundgesetz») and shows that the absoluteness of the principle of human dignity is only an apparent absoluteness.

Quabeck, Christian

## Dienende Funktion des Verwaltungsverfahrens und Prozeduralisierung

Volume 7  
2010. XIV, 323 pages.

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The concept of the »serving function« of administrative procedure is one of the classic arguments of administrative law. In German administrative law this term is used regularly to indicate that procedural law is subordinate to substantive law. Although this was seen as self-evident for a long time, it is changing due to the procedural specifications of European law, but also due to an impetus developed within German law. Christian Quabeck analyzes various manifestations of the proceduralization of administrative law which indicate a much larger role of process-related thinking than had been assumed previously.

Fischborn, Birgit Iris

## Enteignung ohne Entschädigung nach der EMRK?

Zur Vereinbarkeit des entschädigungslosen Entzugs von Eigentum mit Artikel 1 des Zusatzprotokolls zur EMRK

Volume 6  
2010. XIX, 345 pages.

ISBN 9783161501845  
sewn paper 69,00 €

In its decision *Jahn vs. Germany*, the European Court of Human Rights found that a taking of property without compensation may under exceptional circumstances be in accordance with the European Convention on Human Rights. While presenting a vivid analysis of the Court's jurisdiction regarding the right to property, Birgit Fischborn explores the question of whether an exception to the principle of compensation is in accordance with the Convention. Referring to general principles of international law and decisions of international arbitration panels, she undertakes to describe the term »exceptional circumstances«. By defining this term and examining the doctrines of the Court with regard to the right to property in detail, she contributes to the principle of legal certainty in view of future cases of violations of property rights.

Schilling, Jan Moritz

## Deutscher Grundrechtsschutz zwischen staatlicher Souveränität und menschenrechtlicher Europäisierung

Zum Verhältnis zwischen Bundesverfassungsgericht und Europäischem Gerichtshof für Menschenrechte

Volume 5  
2010. XXII, 281 pages.

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Jan Moritz Schilling studies the relationship between the German Federal Constitutional Court and the European Court of Human Rights, which has attracted a great deal of public interest since the *Görgülü* ruling in 2004. In its decision, the Federal Constitutional Court introduced the legal concept »judgmental consideration« (*wertende Berücksichtigung*) in order to have a flexible instrument for implementing European Convention law while preserving its authority to make the final decision. The author analyzes the development of the Federal Constitutional Court's rulings and reflects upon their consequences for implementing the Court's judgments in Germany. Against the backdrop of the positive attitude of the German Basic Law towards the European Convention on Human Rights, he comes to the conclusion that it is the constitutional and institutional duty of German courts to respect the judgments of the European Court of Human Rights.

Malaviya, Nina

## Verteilungsentscheidungen und Verteilungsverfahren

Zur staatlichen Güterverteilung in Konkurrenzsituationen

Volume 4  
2009. XII, 292 pages.

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sewn paper 64,00 €

In a free market economy, the direct allocation of goods by the state must seem strange. Nevertheless, this is a common and at the same time complex procedure, since it is always in conjunction with a shortage of goods and competition. Nina Malaviya discusses allocation decisions as an all-encompassing phenomenon in administrative law. Basing her study on the fundamental similarities, she deals with the basic principles and the scope of application, the procedures and the criteria as well as the aspects of constitutional law involved in this state instrument of allocation. Allocation decisions imply that a selection must be made among competing private persons whose interests are identical; they are based on multipolar competition situations. Thus one of the main theses of this study is that allocation procedures are to be dealt with as a special type of administrative procedure.

Globke, Christina

## Die Auslieferung an den Internationalen Strafgerichtshof

Ein Beitrag zur Dogmatik des Art. 16 Abs. 2 GG

Volume 3  
2009. XXV, 407 pages.

ISBN 9783161501296  
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In 2000, Germany modified its constitution so that German nationals can be extradited to international courts if certain conditions are met. This amendment raises questions about the extent of human rights protection granted under the German constitution in these cases. The thesis focuses mainly on articles 16 section 2 and 24 section 1 of the German Basic Law. Christina Globke argues that both share a similar legal structure, implying a specific scope of human rights guarantees and their enforceability. The legal framework of the International Criminal Court as the major example for the international cooperation in criminal matters in current international relations is given special attention.

Wollenschläger, Burkard

## Wissensgenerierung im Verfahren

Volume 2  
2009. XX, 259 pages.

ISBN 9783161498909  
cloth 79,00 €

In certain branches of public law, the administration has to produce the knowledge necessary to apply the standards which are relevant for them. Thus if the legal facts no longer provide abstract standards for decisions, and instead of this delegate the necessary creation of standards to administrative proceedings, then procedural law obtains an independent function. Using a selection of procedural constellations from oversight law, risk law and antitrust law, Burkard Wollenschläger analyzes this realignment in administrative law. He describes the structures of knowledge on which the reality is based, structures which are characterized by continuing destabilization and diversification, and analyzes simple procedural law.

Rusteberg, Benjamin

## Der grundrechtliche Gewährleistungsgehalt

Eine veränderte Perspektive auf die Grundrechtsdogmatik durch eine präzise  
Schutzbereichsbestimmung

Volume 1  
2009. XIV, 291 pages.

ISBN 9783161498732  
sewn paper 59,00 €

Benjamin Rusteberg deals with the current discussion surrounding the scope of protection in fundamental rights and the question of whether this scope should be wide or narrow. In the final analysis, the issue is how the provisions pertaining to fundamental rights in the German Basic Law, which are abstract, can be applied to the practical circumstances of life. The author proposes the theory that – in comparison to previous methods of weighing all the pros and cons – an abstract definition of the scope of protection, which is based on a potential endangerment from the lawmaker's viewpoint, is preferable. The author thus provides the reader with a perspective on fundamental rights which differs from the current one.

