

The German Constitution Turns 60

Basic Law and Commonwealth Constitution. German and Australian Perspectives

Bearbeitet von
Jürgen Bröhmer

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Preface

On 23 May 2009, the German Constitution, the *Grundgesetz*, turned 60. Not very old compared to Australia's Commonwealth Constitution or even the US-Constitution. It is perhaps an irony of history that old countries have young constitutions and young countries old ones. By any measure, 60 years of *Grundgesetz* has been and continues to be a success story. From post-war reconstruction, through the terror years of the seventies to the reunification of Germany after the demise of Communism in Eastern Europe, the *Grundgesetz* has weathered all challenges and found deep acceptance in the German populace at large.

The constitutional systems of Germany and Australia bear many differences but also some similarities. Fundamental rights and their protection figure prominently in the German *Grundgesetz* but not so much in the Australian constitutional context. Both countries are federations to name the most prominent similarity.

The anniversary of the *Grundgesetz* on 23 May 2009 was sufficient cause to assemble in Canberra at the ANU constitutional scholars from both countries to address some core issues from a German and Australian perspective respectively. This book contains the written versions of the presentations in the order in which they were presented.

The two-day conference on 22 and 23 May 2009 and the publication of this collection, perhaps the first in-depth comparative constitutional law study of the *Grundgesetz* and the Commonwealth Constitution, would not have been possible without the help of many people: Foremost I have to thank the authors of the essays contained in this book. They all followed my invitation without hesitation and they all helped in making the event a successful one. My Australian colleagues will forgive me when I extend my special thanks to the German colleagues who came to Canberra from the other side of the world to be part of this event. I am also grateful to the Australian National University and Dean *Michael Coper* from the College of Law for hosting this event and for their help in organizing it. Michael Coper and His Excellency Dr. Michael Witter, Ambassador of the Federal Republic of Germany to Australia opened the conference. Thanks are in order for the keynote speakers for their opening words on both days of the conference, the Honorable Justice *Chris Maxwell*, President

of the Court of Appeal in Victoria and the Honorable *Jon Stanhope*, MLA, Chief Minister of the Australian Capital Territory. The conference could not have taken place without the immense help of *Thomas John* in his role as Co-convenor of the European Focus Group of the International Law Section of the Law Council of Australia and of *Hendryk Flaegel*, also of the Law Council of Australia. The German Embassy provided a festive environment by organizing a memorable reception which brought together conference attendees and many others.

Jürgen Bröhmer
Armidale, August 2010