Table of Contents

Foreword by Hans-Peter Friedrich, German Federal Minister of the Interior Editors' Preface List of Authors	v vii xi
Part I – Constitutional Law	
1 Scope and Legitimacy of Judicial Review in German Constitutional Law – the Court versus the Political Process Christoph Möllers, Berlin	3
2 Dimensions of Fundamental Rights – Duty to Respect versus Duty to Protect Christian Calliess, Berlin	27
3 Interpreting Fundamental Rights – Freedom versus Optimization Axel Tschentscher, Bern	43
4 The Basic Right to 'Free Development of the Personality' – Mere Protection of Personality Development versus General Right of Freedom of Action Wolfram Cremer, Bochum	57
5 The 'Serving' Freedom to Broadcast – Subjective versus Objective Dimensions of a Fundamental Right Bernd Grzeszick, Heidelberg	75
6 Rule of Law versus Welfare State Thorsten Kingreen, Regensburg	97
7 Federalism – Cooperative Federalism versus Competitive Federalism Christian Waldhoff, Berlin	117
8 Financing the State – The Tax-funded State versus Multiple and Mixed Financing Strategies Hanno Kube, Mainz	131
9 Relationship between State and Church – Public Church Law versus Religious Constitutional Law Stefan Mückl, Freiburg im Breisgau i Br	159

Part II - Administrative Law

10 Democratic Legitimization of the Administrative Power – Exclusive versus Inclusive Democracy Matthias Jestaedt, Freiburg i Br	181
11 Conceptualizing Administrative Law – Legal Protection versus Regulatory Approach Martin Eifert, Berlin	203
12 Subjective Public Rights – Historical Roots versus European and Democratic Challenges Bernhard Wegener, Erlangen-Nürnberg	219
13 Administrative Procedure – Mere Facilitator of Material Law versus Cooperative Realization of Common Welfare Hermann Pünder, Hamburg	239
Part III – European Integration	
14 The Legitimation of the European Union – Democracy versus Integration	263
Marcel Kaufmann, Göttingen/Berlin	
Appendix: The Basic Law (Grundgesetz) Index	283 351