

Contents

1	On the “Legisprudential Turn” in Constitutional Review: An Introduction.....	1
	A. Daniel Oliver-Lalana and Klaus Meßerschmidt	
Part I Judicial Review, Democracy, and Legislation Theory		
2	Constitutional Courts and Democracy. Facets of an Ambivalent Relationship.....	19
	Gertrude Lübke-Wolff	
3	Paths Towards Better Legislation, Detours and Dead-Ends	33
	Helmuth Schulze-Fielitz	
Part II Judicial Review of Legislative Rationality and Justification		
4	Rationality Requirements on Parliamentary Legislation Under a Democratic Rule of Law	61
	Bernd Grzeszick	
5	The Generality of the Law	89
	Gregor Kirchhof	
6	On Constitutional Duties to Give Reasons for Legislative Acts	129
	Christian Waldhoff	
Part III Judicial Review of Legislative Consistency and Systematicity		
7	The Obligation of Consistency in Lawmaking	155
	Christian Bumke	

8	Inconsistent Legislation	189
	Matthias Rossi	
9	Judicial Review of Tax Laws: The Coherence Requirement (<i>Folgerichtigkeitsgebot</i>)	209
	Roland Ismer	
 Part IV Judicial Review of Legislative Facts and Impacts		
10	Legislative Margins of Appreciation as the Result of Rational Lawmaking	235
	Christian Bickenbach	
11	Due Post-legislative Process? On the Lawmakers’ Constitutional Duties of Monitoring and Revision	257
	A. Daniel Oliver-Lalana	
12	Efficacy, Effectiveness, Efficiency: From Judicial to Managerial Rationality	295
	Ulrich Karpen	
13	Symbolic Legislation Under Judicial Control	315
	Angelika Siehr	
 Part V Legislative Balancing, Proportionality, and Process Review		
14	Rational Lawmaking, Proportionality and Balancing	349
	Jan Sieckmann	
15	The Procedural Review of Legislation and the Substantive Review of Legislation: Opponents or Allies?	373
	Klaus Meßerschmidt	
About the Authors		405
Index.....		409

Rational Lawmaking under Review
Legisprudence According to the German Federal
Constitutional Court

Meßerschmidt, K.; Oliver-Lalana, A.D. (Eds.)

2016, VIII, 412 p. 1 illus., Hardcover

ISBN: 978-3-319-33215-4