## 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 <i>Christoph Möllers, Berlin</i>	3
2 Dimensions of Fundamental Rights – Duty to Respect versus Duty to Protect <i>Christian Calliess, Berlin</i>	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 <i>Wolfram Cremer, Bochum</i>	57
5 The 'Serving' Freedom to Broadcast – Subjective versus Objective Dimensions of a Fundamental Right <i>Bernd Grzeszick, Heidelberg</i>	75
6 Rule of Law versus Welfare State Thorsten Kingreen, Regensburg	97
7 Federalism – Cooperative Federalism versus Competitive Federalism <i>Christian Waldhoff, Berlin</i>	117
8 Financing the State – The Tax-funded State versus Multiple and Mixed Financing Strategies <i>Hanno Kube, Mainz</i>	131
9 Relationship between State and Church – Public Church Law versus Religious Constitutional Law Stefan Mückl, Freiburg im Breisgau i Br	159

x Table of Contents

## Part II – Administrative Law

10 Democratic Legitimization of the Administrative Power – Exclusive versus Inclusive Democracy <i>Matthias Jestaedt, Freiburg i Br</i>	181
11 Conceptualizing Administrative Law – Legal Protection versus Regulatory Approach <i>Martin Eifert, Berlin</i>	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 <i>Hermann Pünder, Hamburg</i>	239
Part III – European Integration	
14 The Legitimation of the European Union – Democracy versus Integration Marcel Kaufmann, Göttingen/Berlin	263
Appendix: The Basic Law (Grundgesetz)	283
Appenaix: The Basic Law (Grundgesetz) Index	351