

Richterrecht zwischen Gesetzesrecht und Rechtsgestaltung

Edited by Christian Bumke



How can a judge be bound by a law which he himself has made? And how does this non-committal commitment fit in with the ideas of the democratic constitutional state in which it is primarily the democratic lawmaker who is to determine the law? The division of labor and the cooperation between the legislative process and court rulings lead continually to tension between the two in the practical application and to theoretical challenges. For many years, jurisprudence has been preoccupied with the judiciary's work, has been calling for suitable instructions, methodological requirements and legal standards. Each era seeks its own language, point of view and its legal parameters for judicial work. The essays in this volume deal with pivotal positions in the current debates on judge-made law and attempt to give timely answers.

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