GERMAN LAW JOURNAL

Review of Developments in German, European and International Jurisprudence

Editors-in-Chief: Russell Miller; Peer Zumbansen

Editors: Gregor Bachmann; Gralf-Peter Calliess; Matthias Casper; Morag Goodwin; Dominik Hanf; Florian Hoffmann; Alexandra Kemmerer; Malcolm Maclaren; Stefan Magen; Ralf Michaels; Petra Minnerop; Hanri Mostert; Betsy Röben; Volker Röben; Christoph Safferling; Marlene Schmidt; Frank Schorkopf; Robert Schütze; Craig Smith; Cornelia Vismann.

www.germanlawjournal.com

© Copyright 2000 - 2005 by German Law Journal GbR. All rights reserved.

Vol. 6 No. 2

Pages 245 - 561

1 February 2005

TABLE OF CONTENTS

ARTICLES: SPECIAL ISSUE

CONFRONTING MEMORIES: EUROPEAN "BITTER EXPERIENCES" AND THE CONSTITUTIONALIZATION PROCESS

GUEST EDITORS: CHRISTIAN JOERGES AND PAUL BLOKKER, WITH CHRIS ENGERT

TABLE OF CONTENTS PAGE I

TABLE OF CONTENTS

Introduction

Christian Joerges	
Introduction to the Special Issue: Confronting Memories: European "Bitter Experiences" and the	
Constitutionalization Process: Constructing	
Europe in the Shadow of its Pasts	245 - 254
REFLECTING HISTORY	
Bo Stråth	
Methodological and Substantive Remarks on	
Myth, Memory and History in the Construction of	
a European Community	255 - 271
Fabrice Larat	
Present-ing the Past: Political Narratives on	
European History and the Justification of EU	
Integration	273 - 290
CONSTITUTIONALIZATION AFTER BITTER EXPERIENCES	
David Fraser	
National Constitutions, Liberal State, Fascist State	
and the Holocaust in Belgium and Bulgaria	291 - 306
Matthias Mahlmann	
Constitutional Identity and the Politics of	
Homogeneity	307 - 318
Mattias Kumm	
Thick Constitutional Patriotism and Political	
Liberalism: On the Role and Structure of European	
Legal History	319 - 354

TABLE OF CONTENTS PAGE II

TABLE OF CONTENTS	
Alexander Somek Constitutional <i>Erinnerungsarbeit</i> : Ambivalence and Translation	357 - 370
ANTI-EUROPEAN EUROPEANISM: THE RISE OF POPULISM	
Paul Blokker Populist Nationalism, Anti-Europeanism, Post- Nationalism, and the East-West Distinction	371 - 389
Patricia Chiantera-Stutte Populist Use of Memory and Constitutionalism: Two Comments – I	391 - 397
Andrea Pető Populist Use of Memory and Constitutionalism: Two Comments – II	399 - 405
MEMORY, POLITICS AND LAW	
Thomas Mertens The Eichmann Trial: Hannah Arendt's View on the Jerusalem Court's Competence	407 - 424
András Sajó Legal Consequences of Past Collective Wrongdoing after Communism	425 - 437
Stefan Seidendorf Defining Europe Against its Past? - Memory Politics and the Sanctions Against Austria in France and Germany	439 - 464

TABLE OF CONTENTS PAGE III

ABLE OF CONTENTS	
Anton Legerer Preparing the Ground for Constitutionalisation through Reconciliation Work	465 - 471
Thorsten Keiser Europeanization as a Challenge to Legal History	473 - 481
EPILOGUE	
Vivian Grosswald Curran Law's Past and Europe's Future	483 - 512

TABLE OF CONTENTS PAGE IV

TABLE OF CONTENTS

DEVELOPMENTS

Shedrack C. Agbakwa Genocidal Politics and Racialization of Intervention: From Rwanda to Darfur and Beyond	513 - 531
Florian Stork	
Comments on the Draft of the New German	
Private Law Anti-Discrimination Act:	
Implementing Directives 2000/43/EC and	
2004/113/EC in German Private Law	533 – 548
Maximilian Rittmeister	
The Management Board's permission to disclose	
Due Diligence Information Before a Corporate	
Acquisition in consideration of the Impact of the	
Act to Improve the Protection of Investors (Gesetz	
zur Verbesserung des Anlegerschutzes)	549 - 561

TABLE OF CONTENTS PAGE V