

DEUTSCHE GESELLSCHAFT FÜR GESETZGEBUNG

vereinigt mit der Gesellschaft für Effizienz in Staat und Verwaltung e.V.

Vorsitzender: **PSt Prof. Dr. Günter Krings** MdB; Stellv. Vorsitzende: **MR Thomas Hadamek**, **Prof. Dr. Winfried Kluth**, Martin-Luther-Universität Halle-Wittenberg, **Linda Teuteberg** MdB; Schatzmeister: **Jan Sijbrandij**; Geschäftsführer: **Maximilian Stephan**; **RA Dr. Ortlieb Fliedner**; **PSt a.D. Rainer Funke**; **Ri. BVerfG a.D. Prof. Dr. Dieter Grimm**; **Konsul a.D. Prof. Heinrich A. Große-Sender**; **Prof. Dr. Volker Haug**, Universität Stuttgart; **Präsident des BVA a.D. Dr. Jürgen Hensen**; **Ansgar Heveling** MdB; **Dr. Gisela Meister-Scheufelen**, Vorsitzende Normenkontrollrat Baden-Württemberg; **Präsident des BVerfG a.D. Prof. Dr. Dres. h.c. Hans-Jürgen Papier**; **StS Dr. Horst Risse**; **Dr. Norbert Röttgen** MdB; **PD Dr. Stefan Ruppert** MdB; **Bertold Welling**, VCI; Ehrenvorsitzender: **Prof. Dr. Ulrich Karpen**

June, 28th 2019

Resolution

for the inclusion of legislative studies as a component of law courses

Since the 19th century, it has been part of German legal tradition that the goal of a Volljurist, that is to say a graduate in law who has passed both stages of his or her degree examinations, is to qualify for appointment to the office of a judge. The principle that all universities provide the same training up to the first degree examination, which qualifies graduates as Einheitsjuristen, or general law graduates, still holds good. In practice, only about 15% of German law graduates work in the administration of justice – in courts, for example – whereas 20% or so are employed in the public administration. The great majority of graduates work in the realm of legal counselling and consultancy.

The ideal of the Einheitsjurist has largely proved to be a successful model. Yet conditions in the field do not tally with the content of academic curricula. The Federal Government has also begun to realise this. Accordingly, in its new work programme for better regulation and bureaucracy reduction, published in 2018, the Federal Government has called for the formulation of a continuing-training strategy for staff of the public administration who are involved in the preparation of legislative or policymaking initiatives. Among the aims of this training would be to develop the competence and skills required for the drafting of practical, addressee-focused legal provisions.

In-service training for departmental civil servants, however, is not enough. It needs a foundation of basic training for students of law. At the present time, however, legislation is scarcely ever taught and researched at universities. Questions of good lawmaking feature in very few mainstream areas of undergraduate legal studies and master's courses. Even where curricula do contain elements of interest for future drafters of legislation, these elements must be tailored still more to that future work. Students could then obtain an additional perspective on the law. Those who learn how to draft legal provisions will also be better able to interpret and apply them.

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For this reason, we make the following proposals and requests with a view to improving the teaching of legislative studies in Germany:

1. Legislative studies must be introduced as a practical element of the law curriculum in German universities. Universities should teach students, in the framework of their law courses, the rules and techniques that are part and parcel of good lawmaking.
2. The Federal Government's 2018 work programme for better regulation and bureaucracy reduction must yield tangible fruit in terms of the reform of law courses to include legislative studies.
3. We call on faculties of law to extend their curricula by including courses in legislation as foundation or optional courses but also by incorporating legislative studies into the mainstream law curriculum. In addition, individual faculties should seek to develop and offer master's courses in legislation. In this context, interdisciplinary cooperation should also be sought with departments in other faculties.
4. We ask the German Law Faculties Association for its support in this matter.
5. We call on the Länder, especially the Conference of Länder Ministers of Justice, to assist faculties of law in establishing legislation courses.
6. We encourage legislation practitioners in the parliamentary administrations of the Länder, the Federal Republic and the EU, as well as experienced legal specialists in the executive, including the authors of municipal by-laws, to become more fully involved in research and teaching in the field of legislative studies and to seek cooperation with faculties of law and other university departments.
7. The German Legislation Society (Deutsche Gesellschaft für Gesetzgebung) intends to support this process within the scope of its resources and to help ensure that a mutual learning process is set in motion regarding experiences and

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successes in the establishment of academic courses in legislative studies. Experience-sharing, moreover, should acquire a cross-border dimension, so that we can also learn from legislation courses in other countries and share our respective research findings.