

Founding German Political Science and the System of Basic Rights in the Modern Era: Georg Jellinek's Life and Work (1851-1911)

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Georg Jellinek (1851-1911) is a name which cannot be ignored when speaking about German constitutional law in the modern age. The elements of the nation like territory, people and sovereignty come from him; the system of basic rights as the core of modern constitutional law arose also from his system of the subjective right. Since all scholars respond to the problems of their own eras, legal theories should also be traced back to understand and analyze them. How, then, did Georg Jellinek, who was born into a Jewish family that advocated German political liberalism at a time of imperialism, nationalism and even anti-Semitism, who traveled in Austria and Switzerland, and who finally settled down in Germany as a professor, combine Neo-Kantianism in philosophy with legal positivism; overcome the existing understanding of the nation; and then construct a theory of the nation in terms of society as well as of the law, and the system of the subjective right.

Keywords: Georg Jellinek, history of constitutional law, jurist, constitutional law, system of basic rights

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