Peter Quint:
East Meets West

"Can you punish people for activities that are illegal now, yet happened while they were technically legal?"

Quint always has been interested in German legal issues and a visit by German professors to the University in 1977 provided the impetus for three sabbaticals spent in Germany over the years. His main goal during these trips was to research German constitutional law, but he also collaborated in teaching a seminar in U.S. constitutional law to German students at the University of Tuebingen. His most recent stint in Germany was shortly after German unification and resulted in the book The Imperfect Union: Constitutional Structures of German Unification (Princeton University Press 1997). In addition to his book, Quint has authored numerous articles about German legal issues in several publications, including an upcoming article about the East German border guard trials.

The case of the East German border guards is one of Quint's favorite topics. He has already published an article on the subject, "Judging the Past: The Prosecution of East German Border Guards and the GDR Chain of Command," (Review of Politics, 1999), which gives a historical account of the cases. Between 1961 and 1989, many people lost their lives at the hands of soldiers preventing escape from East Germany. According to East German law, the guards may have been acting legally. Under current German law, however, their actions are illegal. The events involving the border guards pose a fundamental legal issue that is not necessarily unique to Germany. Quint's forthcoming article will present seven legal arguments pertaining to the border incidents.

The trials of the border guards raise a very interesting legal question, says Quint. "Can the guards be punished under the current law when their actions may have been legal under East German law? In general terms, can you punish people for activities that are illegal now, yet happened while they were technically legal?" This dilemma has consequences that reach far beyond the borders of unified Germany. The German Constitutional Court's ruling on the border guards may serve as a model for the high courts of other countries.

Quint uses his expertise in German constitutional law as the basis for two courses—Comparative Constitutional Law (taught with Professor Joel Grossman, of The Johns Hopkins University) and International Human Rights. In addition, he was a co-convenor of a two-week summer symposium on the political, social, economic and legal aspects of the process of German unification. This summer's session, "The Unification of Germany: Problems of Transition in Comparative Perspective," took place in Maryland. The other co-convenor was Wolfgang Schluchter, a professor at the Universities of Heidelberg and Erfurt in Germany. The participants were doctoral candidates and those who have recently received doctoral degrees. The first part of this seminar took place last summer in Germany.
“The purpose of the program was to develop new insights on problems of German unification and also to further collaborative activities among American and German scholars,” explains Quint.

Quint’s course on International Human Rights attempts to tackle the burning legal issues that transcend political borders and present interesting quandaries for students of law. Like the issues surrounding German unification, the current state of international law and human rights has consequences that span the entire globe.

“The trend now is toward enforcement of international human rights,” explains Quint, “but it has been difficult to find a governing body to carry out that enforcement. The creation of the European Court of Human Rights has been a step in the direction of international enforcement of human rights laws.”

For approximately three decades, Quint has been a scholar, historian and a teacher of law. His career as a professor started in 1965 at Wayne State University, but since 1972 he has helped mold future attorneys at the University of Maryland. Quint has been Jacob A. France Professor of Constitutional Law since 1993.

He is a magna cum laude graduate of Harvard College; a cum laude graduate of Harvard Law School; and he received a diploma of law from Oxford University. He practiced law for six years at his father’s firm in Detroit and at another corporate firm in New York.

Quint is a member of the board of directors of The United States Association of Constitutional Law; the board of editors of the American Journal of Comparative Law; a member of the American Law Institute; and the Académie internationale de droit comparé/International Academy of Comparative Law.