

## Syllabus CO CompCon 2006/07

### Self-Determination, Dignity, Equality – or: what is “normal”?

<b>21 november</b>	<b>Subject:</b> Introduction to Comparative Constitutionalism
<p>Questions:</p> <ul style="list-style-type: none"> <li>▪ Methods</li> <li>▪ researching and presenting cases</li> <li>▪ distribution of presentations</li> </ul>	
<b>05 december</b>	<b>Subject:</b> Drugs
<p>Casebook: p. 569-576</p> <ul style="list-style-type: none"> <li>▪ Hashish Case (Germany)</li> <li>▪ R. v. Malmo-Levine (Canada)</li> <li>▪ New Jersey v. T.L.O. (USA)</li> </ul>	
<p>Questions for further research:</p> <ul style="list-style-type: none"> <li>▪ data protection in hospitals?</li> </ul>	
<b>12 december</b>	<b>Subject:</b> Equality and Dignity: Gender and sexual orientation – social norms
<p>Casebook:</p> <ul style="list-style-type: none"> <li>▪ Egan v. Canada (Canada) – ‚spouse‘</li> <li>▪ Nocturnal Emploment (Germany)</li> </ul>	
<p>other Casebooks:</p> <ul style="list-style-type: none"> <li>▪ Price Waterhouse v. Hopkins (USA 1989) Eskridge/Hunter 282 – dto.</li> </ul>	
<p>cases from your own research, examples:</p> <ul style="list-style-type: none"> <li>▪ Ghaidan v. Godin-Mendoza (UK, 2004) – same-sex partner as ‚surviving spouse‘ of tenant</li> <li>▪ Karner v. Austria (ECHR, 2003) – dto.</li> </ul>	
<p>Questions?</p> <ul style="list-style-type: none"> <li>▪ what is assumed as normal? gender vs. sex</li> <li>▪ sex equality and racism: tougher standards for racism in US</li> </ul>	
<b>09 january</b>	<b>Subject:</b> Self-determination: reproductive rights
<p>Casebook: p. 526-527</p> <ul style="list-style-type: none"> <li>▪ Roe v. Wade (USA)</li> <li>▪ Planned Parenthood of Southeastern Pennsylvania v. Casey (USA)</li> <li>▪ R. v. Morgenthaler (Canada)</li> <li>▪ Abortion I Case (Germany)</li> </ul>	
<p>other Casebooks:</p> <ul style="list-style-type: none"> <li>▪ MacKinnon</li> </ul>	

Questions:

- which rights are touched, how do courts frame the problem?
- Is there a right to have a child? Refer to cases on Chinese asylum-seekers fleeing because of China's one-child policy

**16 january**

**Subject:** Intimacy: sexuality

Casebook: p. 609-616

- Griswold v. Connecticut (USA)
- Toonen v. Australia (UN Human Rights Committee)
- ADT v. United Kingdom (ECHR)
- Bowers v. Hardwick (USA)
- National Coalition v. Minister of Justice (South Africa)
- Egan v. Canada (Canada)

Questions:

- what is 'normal'?

**23 january**

**Subject:** Families and Fathers

Casebook: p. 598-603, 687-693

- Elsholz v. Germany (ECHR)
- Moore v. East Cleveland (USA)
- Sex Education Case (Germany)
- President of the Republic of S.A. v. Hugo (South Africa)

Questions:

- who is a family?
- how do questions of choice and discrimination interact?

**06 february**

**Subject:** Traditions and Constitutions

Issues:

- bride price
- female genital mutilation
- stoning (esp. Nigeria)

cases from your own research; example:

- Bhe v. Magistrate and others (RSA, 2004) – male progeniture: black traditions v. equality

Questions:

- how do courts deal with traditions conflicting with constitutional rights?
- how do courts reflect changes in the society in relation to the law?
- how should this problem be dealt with?