

## Reading List

Mandatory reading is listed in the syllabus. Refer to this list for additional reading on specific topics.

### Casebooks

Norman Dorsen/ Michel Rosenfeld/ András Sajó/ Susanne Baer, *Comparative Constitutionalism*, 2003 ("Casebook")

Catharine A. MacKinnon, *Sex Equality*, 2001

William N. Eskridge/ Nan D. Hunter, *Sexuality, Gender and the Law*, 1997

Louis Henkin/ Gerald L. Neuman/ Diane F. Orentlicher/ David W. Leebron, *Human Rights*, 1999

### Methods of Comparative Constitutionalism

Casebook, pp 1-16

Konrad Zweigert/ Hein Kötz, *Einführung in die Rechtsvergleichung: auf dem Gebiete des Privatrechts*, 3rd edn. 1996, pp 31-47

Annelise Riles, The Projects of Comparison, in: Annelise Riles (ed.), *Rethinking the Masters of Comparative Law*, 2001, pp 1-18

H. Patrick Glenn, *Legal Traditions of the World*, 2<sup>nd</sup> edn. 2004

Mary Ann Glendon/ Michael W. Gordon/ Christopher Osakwe, *Comparative Legal Traditions: Text, Materials and Cases*, 2<sup>nd</sup> edn. 1994

Günther Frankenberg, Critical Comparisons: Re-thinking Comparative Law, 26 *Harvard Int'l L Jnl* (1985), 411-455; deutsch: Autorität und Integration, 2003, pp 299-363

Günther Frankenberg, Stranger than Paradise: Identity and Politics in Comparative Law, 1997 *Utah Law Review* 259-280

Kenneth B. Nunn, Law as Eurocentric Enterprise, *Law & Inequality* 15 (1997) 323-371 – in: Richard Delgado/ Jean Stefancic (eds.), *Critical Race Theory*, Philadelphia: Temple UP, 2nd ed. 2000, 429-436

Gayatri C. Spivak, Constitutions and Culture Studies, in: Leonard, Jerry D., ed., *Legal Studies as Cultural Studies*, 1995, 155-173

Clifford Geertz, *Local Knowledge. Further Essays in Interpretive Anthropology*, 1983 - chapter 8, 167-234

Joseph Raz, On the Authority and Interpretations of Constitutions. Some Preliminaries, in: Larry Alexander (ed.): *Constitutionalism. Philosophical Foundations*, 1998, pp. 152-193

Pierre Legrand, The Return of the Repressed: Moving Comparative Legal Studies beyond Pleasure, 75 *Tulane L Rev* (2001) 1033-1051

Pierre Legrand/ Roderick Munday (eds.), *Comparative Legal Studies: Traditions and Transitions*, 2003

Tushnet, Mark, Some reflections on method in comparative constitutional law, in: Choudhry, S., *The Migration of Constitutional Ideas*, 2006, 67-83

Anne Peters/ Heiner Schwenke, Comparative Law Beyond Post-Modernism, 49 *Int'l & Comp. L Quarterly* 4 (2000), 803-834

Choudhry, Sujit, Migration as a new metaphor in comparative constitutional law, in: Choudhry, Sujit, *The Migration of Constitutional Ideas*, 2006, 1-35

Ruti Teitel, Comparative Constitutional Law in a Global Age, 117 *Harvard L Rev.* (2004), 2570-2596

John C. Reitz, How to Do Comparative Law, 46 *Am. J. Comp. L.* (1998), 617-636

### Further reading: Cultural Relativism and Universal Standards

Amartya Sen, *Identity and Violence: The Illusion of Destiny*, 2007, pp 10-12, 23-28, 88-95, 112-117 - German version: Die Identitätsfalle. Warum es keinen Krieg der Kulturen gibt, 2007

Kwame Anthony Appiah, *The Ethics of Identity*, Princeton Univ. Press, 2005, pp 65-83, 105-110,

130-154

Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, 2006, pp 1-35

Will Kymlicka, *Multicultural Citizenship*, 1995, Ch. 8

Charles Taylor/ Amy Gutman, *Multiculturalism: Examining the Politics of Recognition*, 1994

Susan Moller Okin et.al. *Is Multiculturalism Bad for Women?*, 1999

Alice Erh-Soon Tay, "Asian" Values and Asian Nationhood, in: Mirosław Wyrzykowski (ed), *Constitutional Cultures*, 2000, pp 83-105

Günther Frankenberg, Auf der Suche nach der gerechten Gesellschaft: Bemerkungen zur Fortsetzung der Kommunitarismus-Debatte, in: Günther Frankenberg (ed.), *Auf der Suche nach der gerechten Gesellschaft*, 1994, 7-21

### **Reproductive Rights**

Ronald Dworkin, The Center Holds, *New York Review of Books*, 13 Aug 1993, 29-33

Ronald Dworkin, *Life's Dominion: An Argument About Abortion and Euthanasia*, 1993, pp 11-13

Mary Ann Glendon, *Abortion and Divorce in Western Law: American Failures, European Challenges*, 1987, pp 33-39

Laurence H. Tribe, *Abortion: The Clash of Absolutes*, 1990, pp 73-76

Vicky R. Jackson/ Mark Tushnet, *Comparative Constitutional Law*, 1999, pp 1-5, 25-26, 75-77, 112-115, 133-143

### **Sex, Gender and the Body**

Laura Adamietz, *Latest Twists in German Transgender Jurisprudence*, LSA Conference, Berlin 2007

### **Intimate Partners**

Catharine A. MacKinnon, *Sex Equality*, 2001, pp. 428-434, 1143-1149

### **Sexuality and Procreation**

Kendall Thomas, The Eclipse of Reason: A Rhetorical Reading of *Bowers v. Hardwick*, *79 Virginia L Rev.* 7 (Oct., 1993), 1805-1832

Catharine A. MacKinnon, *Sex Equality*, 2001, pp. 1153-1155

Robert Wintemute, Recognizing New Kinds of Direct Sex Discrimination: Transsexualism, Sexual Orientation and Dress Codes, *60 Modern Law Review* 3 (1997), 334-359

Robert Wintemute, Sex Discrimination in *MacDonald and Pearce*: Why the Law Lords Chose the Wrong Comparators, *14 King's Law Journal* 2 (2003), 267-281, <http://www.hartjournals.co.uk/pdf/KCLJ-14-02-0403.pdf>

Janet Halley, Reasoning About Sodomy: Act and Identity in and after *Bowers v. Hardwick*, *79 Virginia Law Review* (1993), 1721-1780 and excerpt in William N. Eskridge/ Nan D. Hunter (eds.), *Sexuality, Gender, and the Law*, 1997, pp. 57-61)

Anne B. Goldstein, Reasoning about Homosexuality: A Comment on Janet Halley's "Reasoning About Sodomy: Act and Identity in and after *Bowers v. Hardwick*", *79 Virginia Law Review* (1993), 1781-1804

### **Pornography**

Catharine MacKinnon, *Sex Equality*, 2001, pp. 1506-1512, 1562-1592, 1600-1610

Catharine A. MacKinnon, *Only Words*, 1993 (deutsch: Nur Worte, 1993)

### **Families**

Catharine A. MacKinnon, *Sex Equality*, 2001, pp. 556-558