

Constitutional Conflicts: A Role Play

These role plays use a talk show format to facilitate group discussions on the topics we will be using for the moot assignments in this course. Each group will create and engage in a mock talk show focusing on an issue related to the specific legal question of their assigned moot. The situations are set in Germany.

Goals

- Understand the general conflict raised by the legal issue in the moot by talking about a similar situation that took place in Germany.
- Become more comfortable with using English to express yourself regarding the assigned topic.
- Practice your ability to use English spontaneously.
- Explore this topic from both a legal and non-legal perspective.

Preparation

- Each team will be given a topic for their “talk show” and a brief summary of the issue that has made it a controversy. (see below)
- Teams should brainstorm who the role play characters will be. Think about who is impacted by the issue or who would be advocating on behalf of one side or the other in this controversy. Role play characters can range from experts, to advocates, to people directly being harmed by the issue.
- Each participant should prepare a very short introduction of who their character is. You will be asked to introduce yourself at the beginning of the “show.”
- Each participant should consider the positions their role play character will take in this discussion. Come prepared to discuss the topic generally and support your positions.

Activity

- Each role play will take up to 15 minutes.
- Each group will have four participants (unless otherwise noted) and a moderator (the instructor)
- The moderator will introduce the topic/participants and then start by posing a question to one of them.
- The format is relatively open. Similar to that used by Anne Will, Sandra Maischberger and the other hosts of the various current events talk shows on German TV.

Show Topics:

Group 1 - Christian Symbols on State Property: Proper in a multi-cultural society?

The state of Bavaria has ordered that Christian crosses should be placed on the entrance of all government buildings. Bavaria's conservative government say the crosses should not be seen as religious symbols, but are meant to reflect the southern German state's "cultural identity and Christian-western influence." Crosses are already compulsory in public schools and courtrooms in predominantly Catholic Bavaria. But some of Bavaria's Christian leaders have expressed concern. Cardinal Reinhard Marx, Archbishop of Munich and Freising, said displaying the cross should not be mandatory and that he feared the law would create "division, unrest and adversity." Others have claimed that this is nothing more than a political stunt to attract anti-immigrant voters, as well as a violation of the state's obligation to remain neutral. What should we make of crosses in state buildings? Is this a violation of neutrality or a natural expression of Germany's cultural roots?

Group 2 – Gipfelkreuze: Do Crosses Belong on Mountaintops?

The destruction of three Gipfelkreuze in the upper Bavarian Alps has unleashed a debate about whether crosses should adorn German mountaintops. During a recent interview in the *Süddeutsche Zeitung*, climbing legend Reinhold Messner caused a stir when he both condemned the destruction of property but at the same time questioned whether crosses belonged on summits throughout Germany, noting one should not use mountains, which belonged to all Germans, for religious purposes. In response Bishop Gregor Hanke noted that "summit crosses are an indication that this beauty and grandeur, this power has an origin that lies in God the Creator. Crosses can also remind you that nature does not belong to us, but that it is gift." Is there still a place for Gipfelkreuze in a country like Germany that is becoming increasingly more religiously diverse and secular, especially when the state erects and /or tolerates them on state property?

Group 3 – Too Much Speech? Defining the limits of student speech rights in schools

Individualism is all the rage in today's teen culture. Looking different, dressing different, making a statement. This is what today's teen seemingly is aiming for. For schools, this poses potential problems, and many schools have reacted by creating quasi dress codes. A school in Sauerland recently passed a rule prohibiting exposed belly buttons, exposed cleavage, short pants and skirts. Another school near Augsburg tells its students "School is not a disco and certainly not a beach" in an effort to have them dress sensibly. In Cologne a school policy that bans t-shirts with a racist, sexist or anti-democratic message has caused a stir among the student body. How far is too far, when it comes to regulating how students dress in school?

Group 4 – Can Students be Punished for Off-Campus Speech?

Can a student be suspended from school for something she writes in a WhatsApp group while sitting in her bedroom? That was the question before a Stuttgart court recently in a case concerning a 5th grader who was suspended from school for three weeks after it was discovered she had written offensive things about the school's principal. The offending chat contained passages such as: "Someone needs to teach Ms. Smith a lesson. I swear, Ms. Smith should fuck off . . . Someone should stab that little whore." The Stuttgart court upheld the school's decision saying that such language in a WhatsApp chat group for a school class on social media causes a substantial disruption to the school atmosphere. But should we be comfortable with schools being able to punish children for speech they engage in outside

of school?

Group 5 – When does the use of drug sniffing dogs go too far?

First they started showing up in airports, train stations and bus terminals. Increasingly, they are becoming a standard part of random auto checkpoints set up on streets and highways. And now, now they are even being brought into schools. Drug sniffing dogs, that is. While the courts have been more than willing to allow the use of these dogs in public spaces, and have been equally willing to allow these interactions to take place without the consent of a judge, critics are beginning to question whether there is a line. Do we want drug dogs sniffing around us where ever we go even though the vast majority of us have done nothing wrong? Does the increased use of these dogs signal a coming police state? Or is this just another case of “we have nothing to fear, if we have done nothing wrong?”