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TABLE OF CONTENTS

matters, and the myriad ways these fundamental tenets have been recognized and enforced in the administrative proceedings and jurisprudence of three jurisdictions: the United States, Canada and Australia. Although various models of funding citizen participation are canvassed, particular attention is given to the legislative funding initiative undertaken by the Province of Ontario, Canada in the late 1980s and its innovative role in transferring the burden of funding intervenors to the project proponent, thereby internalizing the cost of intervention as a project cost. This in turn resulted in more effective public participation and arguably better environmental decisions.

POLITICAL SYMBOLS IN TWO CONSTITUTIONAL ORDERS: THE FLAG DESECRATION DECISIONS OF THE UNITED STATES SUPREME COURT AND THE GERMAN FEDERAL CONSTITUTIONAL COURT

Ute Krüdewagen 679

This article considers the background, the doctrinal approach, and the broader implications of the flag desecration decisions of the United States Supreme Court and the German Federal Constitutional Court, the Bundesverfassungsgericht. On the one hand, citizens of the United States often treat the flag as an almost sacred symbol. In contrast to this, German citizens consider the flag as the symbol of the German nation, but it gains little public attention. The German flag as a symbol can be defaced, while in the United States such an act engenders a more negative public response. The author labels this situation the "flag enigma," illustrated in the fact that one Court does not protect what the public considers to be worth protecting, whereas the other Court protects what the public regards with indifference. The author explains the "flag enigma" by analyzing the different concepts of democracy in the United States and Germany. Further, the article compares the approaches of the Supreme Court to flag desecration with those of the Bundesverfassungsgericht, and concludes that German constitutional jurisprudence is moving towards its American counterpart.

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transition has required organized labor to collaborate more with organizations that focus less on organized labor issues than on human rights and basic economic rights. The price U.S. unions may pay for progress on this front may be a trade-off between increasing membership and increasing public awareness of the situations of workers in developing economies.

The recent success and expansion of the psychotropic drug industry has been closely followed by the appearance of psychotropic medication in the legal arena. This note examines both product liability litigation against drug manufacturers and the use of psychotropic medication as a criminal defense. It compares such developments in the United States with those in European countries. This note concludes that primary responsibility, both in civil and criminal cases, must be determined according to the specific circumstances of each case. However, to at least some extent, liability will essentially always be attributable to the user.