

Englische Rechtsterminologie – Skript 11

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Vokabelliste

1 - Equal Protection Under The Law

- located in the 5th and 14th amendment Verfassungszusatz
- three levels of judicial scrutiny drei Ebenen judikativer Aufsicht

1.1. Fundamental Rights

- and/or affects suspect classes of people (e.g. racial groups)

- strict scrutiny strenge Überwachungsstufe
- compelling governmental interest berechtigtes Regierungsinteresse
- discriminatory purpose/effect diskriminierender Sinn/Effekt
- e.g. racial segregation Rassentrennung

→ *Brown vs. Board of Education*, 347 U.S. 483 (1954)

- inferiority felt by the fact of being segregated gefühlte Unterlegenheit aufgrund der Rassentrennung
- separate but equal doctrine (1896) "Getrennt aber Gleich"
- feasibility issue Umsetzungsproblem
- Civil Rights Act (1964) = Verbot der Rassendiskriminierung durch Privatpersonen
- Affirmative Action Programs (AAP) = positive Diskriminierungsprogramme
- need to be sufficiently compelled to justify müssen gut begründet sein

suspect classification test

- presumes that the legislation is invalid unless proved otherwise
- law is the only reasonable way to achieve the governmental end

1.2. Business, Economic or Welfare Matters

- that do not burden particular races etc.
- lax scrutiny lockere Überwachungsstufe
- conceivable rational basis review vorstellbare Rationalitätsbasis

end-means test

- "end" needs to be a legitimate one and the "means" chosen needs to be one that a rational person might regard as furthering that "end" and thus presuming the validity of the legislation

1.3. Gender

- for classifications that distinguish on grounds of sex
- halfway between strict scrutiny and rational basis

- middle-level scrutiny mittlere Überwachungsstufe

- substantial relationship

substanzielle Beziehung

- governmental interest

Regierungsinteresse

“ends-means” test

- here the “end” must be a substantial one between a “compelling” one and a merely “legitimate” interest and the “means” must substantially further the end.

- laws disadvantaging men

Frauenförderungspro-
gramme

designed to compensate women for past unequal treatment by society