

University of Wisconsin - Department of Legal Studies

Comparative Constitutional Law

Online 3 Credit Hour Course

Course Syllabus

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Office Hours: By Appointment

Course Outline: Set forth is an outline of the material I plan for us to cover. We might vary from this schedule. Assignments may be changed by me for any given class or topic listed below. Additional readings might be assigned.

Calendar Description: This course will use a comparative approach to constitutional law with a view to developing a critical understanding of how different constitutional systems deal with similar issues (including anti-discrimination, reproductive freedom and privacy protections). This course will compare constitutional creation, constitutional structure, the separation of powers, and judicial review in common law countries.

How the Credit Hours Are Met

The credit standard for this course is met by an expectation of a total of 135 hours of student learning activity with the courses learning activities (45 hours per credit), which include all of your required readings, discussion posts and responses, quizzes, papers, and any other work as described in the syllabus.

Course Learning Outcomes:

Beyond the specific content I will cover in this course, I have designed this course to achieve the following instructional objectives designated as priorities by the Legal Studies Program:

- *Critically Evaluate Published Research:* Legal Studies graduates will be able to read and evaluate published research as it appears in academic journals and popular or policy publications.
- *Communicate Skillfully:* Legal Studies majors write papers and make oral presentations that build arguments and assess evidence in a clear and effective manner.
- *Critical Thinking about Society and Social Processes:* Legal Studies graduates can look beyond the surface of issues to discover the "why" and "how" of social order and structure and consider the underlying social mechanisms that may be creating a situation, identify evidence that may adjudicate between alternate explanations for phenomena, and develop proposed policies or action plans in light of theory and data.

Required Textbook: There is no required “textbook” for this class but this does not mean that you will not be required to read! The readings after the third week of class will be assigned during the first few weeks as each class member will contribute readings to this course. We will discuss this during the first week of class.

Other Required Materials: You will be required to have internet access for this class and are responsible for creating a twitter account for this class and will be responsible for checking our twitter feed often. Feel free to tweet questions, have discussions and engage with other scholars. Our class hashtag will be #UWCCL

Teaching Method: The primary method of instruction for this class is an online asynchronous seminar format. This means that while you might not all be online at the same time, you will be responsible for actively participating in discussion and leading some weeks in a group! The course will be conducted through a combination of presentations & discussions led by the instructor, student discussion/presentations, small group discussions, and occasional guest lectures. Participation (which includes active engagement in discussions) is essential to the success of this course. Students are expected to discuss the assigned readings in a thorough and comprehensive manner.

Grade Breakdown:

Participation/Discussion – Value 20%

Participation in discussion is mandatory and will be monitored. Students are responsible for all material conveyed on canvas or by email. Students also are responsible for any announcements made in canvas or by email, irrespective of whether the student reads the email. As each student will be responsible for creating a seminar, you will see directly how it will affect your seminar when students do not participate so please participate!

Seminar Presentation – Due Date: TBD - Value 30%

Each student is required, as part of a group, to lead one of the seminars in this course on a constitutional issue of their choice. I will provide a list of possible seminar topics, and you are free to choose from that list or go off the board but the choice must be approved by me at least two weeks **before** the seminar. This means you will be responsible for choosing the readings for that week, posting the readings and creating discussion questions for your classmates to think about. This will be explained more fully during the first week of class.

Essay Proposal (Due Date: November 16, 2018 – Value 15%)

You are responsible for writing a proposal for your final paper which outlines your topic, the countries you are comparing as well as your main argument (thesis statement). This proposal should be a 4-page (double spaced, twelve point, Times New Roman font) discussion of the topic and your understanding of it. A title page as well as an **annotated bibliography** must be included with your proposal, and must be cited using APA or MLA citation style. All assignments will be submitted online via canvas.

Blog Posts: (Due Date: Continuous – Value 10%)

You are responsible for writing two blog posts throughout the semester on any legal topic that interests you. This could be a response to a new case, a discussion on a specific issue that was brought to your attention. These blog posts will be submitted to me via Canvas. The best blog posts of the semester will be submitted to RobsonCrim.com (a Canadian Legal Blog) and I highly recommend that you read that blog throughout the semester for ideas. This is a great opportunity for those of you who want to go on to academia or to law school. A bibliography is required for all blog posts, as are in-text citations, in APA or MLA style.

Essay – (Due Date: December 10, 2018 – Value: 25%)

The essay will require you to think broadly about the scope and nature of constitutions and how constitutional rights are protected worldwide. The page limit for the essay is **15 pages**. Essays that are unreasonably over or under the page limit will be penalized. The page count includes subheadings and citations but not the title page or bibliography. All essays should be word processed in 12-point font and be double spaced and referenced using APA or MLA citation style. More information on the paper will be provided in early October. This paper must be submitted online through Canvas.

Please contact the professor if you are having difficulty with any aspect of this course. I am more than willing to discuss the course and offer suggestions to improve your study, examination, or writing habits. I will be available via email, webconference, Skype and phone! Don't be afraid to reach out.

Late Assignment Penalty: A late penalty of 5% will be assessed to every assignment or discussion for each partial day or day that your assignment is late. This means that your submissions will be graded and the penalty will be deducted from that initial grade. A student requiring (not simply desiring) an extension **MUST** discuss and have their request approved **PRIOR TO THE DUE DATE**[\[1\]](#).

Grading Scale: Letter grades will be assigned as follows:

A = 92 - 100% AB = 88 - 91.99% B = 82 - 87.99% BC = 78 - 81.99 C = 70 - 77.99

D = 60 - 69.99% F = below 60%

Online Discussions

When communicating with or about your classmates and your instructor(s), treat others the way you want to be treated. We value our diverse community, and take the perspectives and dignity of others seriously. Though we are in an online environment where we may not hear each others' voices or see each others' faces, we are all humans with valid and valued experiences. As such, for participating in this course, we have a **Positive Posting Policy**:

1. Challenge ideas instead of your classmates. Disagreeing does not necessarily mean disliking, and creates more fruitful conversation.
2. Be forgiving of others' mistakes - up to a point. If you feel uncomfortable or violated, contact your instructors immediately.
3. Express your ideas clearly, concisely, and with respect toward others. This means you acknowledge that disagreement is possible, and even valuable, in conversation.
4. Remember that what you post online is not private. You are participating in scholarly discourse, and your post will likely be seen by many people.

Twitter

Twitter is a great medium for information, interacting and receiving news. Our class will have a unique hashtag (#UWCCL) that we will use throughout the course to share information. Please create a twitter account at the beginning of the semester and use it regularly.

Dr. Murchison's Twitter: <https://twitter.com/DrMMurchison>

Transparency

A significant part of your grade in this course is composed of discussion participation. Through the online course, instructors have the ability to view your activity - what you look at, and for how long - in addition to your submitted discussion posts and assignments. If needed, we will use this to verify your participation. But ideally, you'll post high-quality discussions and provide respectful feedback to your peers, which will make your participation obviously outstanding.

PREPARING YOUR SEMINAR:

(The following is adapted from How to Get High Grades as a Student in Systems Graduate Seminars at ETH Zurich by Timothy Roscoe, May 2007)

The students who do tend to do well in seminars are generally those who are most engaged: they are interested in the material, they ask a lot of questions, and they have well-thought out opinions about the work they are reading. Bear in mind that what the professor wants most out of these seminars is to get a good discussion going. This is usually the best way to learn from the papers as well.

Here is what you need to know about this seminar course:

- 1) You and your peers are your own teachers and collaborators. Seminars are collaborative group learning endeavors in which a group of people lead each other through the course materials. This may be unlike any course you have taken before. If you seek a traditional undergraduate course experience you have probably chosen the wrong course.**
- 2) This is not a lecture and you should know this going in. If you are looking for a class where an instructor teaches you about law for 3 hours and you take notes in order to think**

about the topic later you have come to the wrong place. With the exception of the first week you will be hearing very little lecturing by the instructor. Once the seminar presentations begin, the instructor's role will shift to that of a facilitator and supervisor of the proceedings.

3) Holy crap - there is lots of reading here!!! Seminars are reading intensive. For many students looking for an "easy course experience" this may seem daunting. However, this reading load is still small compared to traditional grad school or law school experiences. Indeed, this seminar is intended to be a prelude to what the grad school experience might feel like. For those moving on to law school, this seminar format will mimic what small study groups may feel like at law school (i.e. where groups of students teach each other the curriculum across a variety of topics).

Ground rules of this seminar:

- 1) A list of readings will be compiled by ALL of your group members AND the instructor and will be scheduled for each class.
- 2) Each student will read his or her assigned readings and in the assigned group allotments prepare a presentation on the subject. Students presenting the materials will divide the workload fairly and equitably and a failure to do so will be reflected by the peer evaluation instrument.
- 3) By the week prior to one's seminar, the student presenters must correspond with the professor to review the outline of their intended presentation.
- 4) Each seminar is scheduled for one week. This time is intended to include about 60 minutes of readings, 60 minutes direct teaching time (videos, powerpoint, podcasts, etc.) by the presenters and about 90 minutes of group discussion and exercises or assignments that the presenters may prepare. The exact order and arrangement of this time is flexible.
- 5) When presenting a set of readings feel free to throw in your own ideas – do not be shy, be prepared to be confronted by queries. If there is something that you did not understand from the readings say so in your presentation. Another student might happen to know, or perhaps the professor might help you out.
- 6) Answering questions and playing a role in the ensuing discussion is also important. Answering questions from the audience is a useful skill not just in research but all manner of other jobs as well.

Being in the audience:

- 1) Every student in the seminar must read in advance the materials to be presented each week, and prepare a list of questions to ask of the presenters.

2) It's perfectly acceptable, even encouraged, to ask clarifying questions, or to chip in if you think you know something that the presenter might have missed (give them a chance to say something first).

3) Remember not to be hostile to the presenter – they did not write the cases, nor did they write the papers presented. Instead, try to get a discussion going about the subject of the readings.

4) If there is something you genuinely did not understand, ask a question about it. Do not be concerned about asking apparently dumb questions: what you do not tend to see as a student is that professors and other researchers sit in the bar at a conference asking the same apparently dumb questions to each other after the original presentation.

Accommodations. Please send the instructor an email by the end of the second week of the course if you are eligible for special arrangements or accommodations for testing, assignments, or other aspects of the course. This may be the case if English is your second language or you experience a physical or psychological condition that makes it difficult for you to complete assignments and/or exams without some modification of those tasks. Accommodations are provided for students who qualify for disability services through the [McBurney Center](#). Their website has detailed instructions about how to qualify: <http://www.mcburney.wisc.edu/>. Provide a copy of your accommodations request (VISA) to the instructor by the end of the second week of class. We try to reserve rooms and proctors by the third week in class, so we must know of all accommodations by then.

If you wish to request a scheduling accommodation for religious observances, send an email by the end of the second week of the course stating the specific date(s) for which you request accommodation; campus policy requires that religious observances be accommodated if you make a timely request early in the term. See the university's [web page](#) for details: <https://kb.wisc.edu/page.php?id=21698>

Academic honesty. As with all courses at the University of Wisconsin, you are expected to follow the University's rules and regulations pertaining to academic honesty and integrity. The standards are outlined by the [Office of the Dean of Students](#) at <http://www.students.wisc.edu/doso/academic-integrity/>

According to UWS 14, academic misconduct is defined as:

- seeks to claim credit for the work or efforts of another without authorization or citation;
- uses unauthorized materials or fabricated data in any academic exercise;
- forges or falsifies academic documents or records;
- intentionally impedes or damages the academic work of others;
- engages in conduct aimed at making false representation of a student's academic performance;
- assists other students in any of these acts.

For a complete description of behaviors that violate the University's standards as well the disciplinary penalties and procedures, please see the Dean of Students [website](#). If you have questions about the rules for any of the assignments or exams, please ask your instructor.

Week 6 - 15 Seminar Presentations

Readings: Each group is required to identify a constitutional issue and a discrepancy in the interpretation of constitutionality of that issue. Each group must assign at least **two cases** and two **academic** (peer-reviewed) articles to be read for their seminar. You must choose two jurisdictions to compare (they **MUST** be different countries, not just different states)

Issues include but are not limited to:

- Abortion
- Hate Speech
- Voting Rights
- Gun Rights
- Medical Marijuana
- Euthanasia
- Affirmative Action
- Religious Freedom
- Stop and Frisk Searches
- Privacy Rights
- Law and Technology
- Gender Rights
- Disability Rights
- Right to Counsel
- Right to Remain Silent

[\[1\]](#) Prior to the due date means a minimum of 48 hours before the assignment is due; except in rare circumstances.