Introduction
Welcome to the course. PLSC 2880 examines constitutional politics comparatively. We explore the motivations behind the adoption of constitutions and how constitutional democracy differs across countries. By examining cross-nationally, we evaluate different conceptions of values related to freedom and equality. We also investigate whether select international institutions that protect rights have begun to tame state power. Finally, we assess the factors that influence whether constitutional rights will be effectively enforced. Prerequisite: Sophomore standing

Learning outcomes for this course are to develop your ability to
• Describe and explain the politics of constitutional law in several democracies
• Use reliable sources proficiently to inquire about discrete research questions
• argue analytically, express ideas coherently, and present information clearly
• manage time to meet deadlines in the context of competing priorities
• collaborate with and/or exercise leadership among peers

Required readings available for purchase
Charles Epp, The Rights Revolution; Ran Hirschl, Towards Juristocracy; Alec Stone Sweet, Governing with Judges. Further required articles are available for downloading from Canvas. I strongly recommend that you print each of the online documents and attain print copies of the books. A growing body of research indicates that readers are more likely to skim electronic sources and take longer to complete electronic texts given electronic interruptions (Facebook feeds, beeping incoming emails) and the ergonomic discomfort and poorer resolution of e-texts. By contrast, readers of print text have been found to concentrate more effectively and annotate texts in ways that help them recall and retrieve information for later use (see discussion of “technology and learning” on p. 3 and the works cited at the end of this syllabus).

Schedule of Assignments
In-class writing Unannounced during classes: Bring assigned texts and laptop
Research paper Hard copy draft due for in-class peer review at 10 am on T 5/12
Paper due to be uploaded to Canvas by noon on R 5/14
Debates T&R 5/19 and 5/21: Attendance required both days
Final take-home exam Upload to Canvas by noon on T 6/2

Grading
In-class writing 25 percent Debate 5 percent
Research paper 25 percent Participation in discussion 10 percent
Take-home final exam 35 percent

Calculation of the final course grade: Assignments receive letter grades with DU grade points.
Letter grades correspond to the following values to calculate course grades:

- A+ 4.33
- A 4.0
- A- 3.67
- B+ 3.33
- B 3.0
- B- 2.67
- C+ 2.33
- C 2.0
- C- 1.67
- D+ 1.33
- D 1.0
- D- .67
- F = 0

Example of a course grade calculation:

\[(4.0 \times 0.25) + (3.0 \times 0.25) + (3.33 \times 0.05) + (3.0 \times 0.1) + (3.67 \times 0.35) = 3.5\]

which is a course grade of a B+.

Given consistent participation in-class writing over the course of the quarter (first A) and substantial improvement from the research paper (the next grade: the B) to the take-home final exam paper (the last grade: the A-), I would raise the course grade to an A- in this case.

Grading for in-class writing: These assignments are credit/no credit and require regular attendance: Up to two make-ups are acceptable in the event of excusable absences. The percentage completed of credit/no-credit in-class writing assignments determines the grade for this component of the course.

- All completed on time: A+
- 90 percent completed on time: A
- 80 percent completed on time: B
- 70 percent completed on time: C
- 60 percent completed on time: D
- Less than 59 percent completed on time: F

Participation in discussion requires regular attendance:

- Frequent constructive contributions: A+
- Periodic constructive contributions: A
- Rare constructive contributions: B
- Attentive silence: C
- Habitual absenteeism (≥ 3 absences): D
- Inappropriate/disruptive behavior: F

What are constructive contributions? These include comments and questions that relate directly to course material from assigned readings, lectures, and films or discussion of relevant current events. Your contributions should reflect your understanding of course materials and related ideas. The quality of contributions matters more than quantity, so avoid dominating discussions.

What is inappropriate and disruptive? The habitual expression of irrelevant points, claims from dubious sources, or unsubstantiated opinions; persistent efforts to dominate discussion; and tuning out of class by tuning in to electronic media or side discussions with a neighbor.

Cooperative and active learning

Students will spend part of most class sessions engaging in both independent and cooperative explorations and analyses. Cognitive research increasingly demonstrates that students learn most when they investigate facts, discover ideas, and solve problems on their own and in collaboration with peers before listening to instructors’ explanations. By contrast, passively listening to a well-organized lecture first has been shown to result in limited engagement, little to no comprehension of newly presented information, and reinforcement of preexisting beliefs regardless of their accuracy or validity. Meanwhile, even auditory learners who readily absorb new ideas from lectures and perform well as “soloists” learn even more when they explain their thoughts to others (Kantrowitz 2014, Wieman 2014, Kolowich 2014). In addition to maximizing your learning in this class, learning to collaborate effectively with peers and exercising leadership are both valuable “soft skills” in contemporary careers (Casserly 2012, Holmes 2012).
**Student conduct:** Regular attendance and active engagement in assignments and discussions maximize learning. As we discuss course topics, feel welcome to question and disagree respectfully with the professor, your peers, and the assigned authors in a manner that facilitates the learning process for others and acknowledges the dignity of all individuals. University policy requires respect for values related to academic honesty, civility, and compliance with the law. You may consult University policies concerning the details of these values and the consequences for their violation at [http://www.du.edu/studentlife/studentconduct/policies/](http://www.du.edu/studentlife/studentconduct/policies/)

**Technology and learning:** *I want you to learn as much as possible and earn a good grade.* As a result, I ask that you bring *print copies of assigned readings* to class; *take notes on paper;* and *restrict your use of laptops during class sessions* to specific assignments that require online research, collaborative writing, or posting to Canvas. Meanwhile, *texting during class is appropriate only in emergency situations.*

*Why am I advocating such traditional approaches to learning?* Research demonstrates that “students who read texts in print score significantly better on … reading comprehension … than students who read … texts digitally” (Mangen, Walgermo, and Brønnick 2013, 61). Research also shows that “students who use laptops in class spent considerably more time multitasking and that *laptop use posed a significant distraction to both users and fellow students*” (Fried 2008).

Indeed “participants who multitasked on a laptop during a lecture scored lower on a test compared to those who did not multitask, and *participants who were in direct view of a multitasking peer scored lower on a test compared to those who were not*” (Sana, Weston, and Cepeda 2013, 24). “Research on multitasking has uncovered clear evidence that human information processing is insufficient for attending to multiple stimuli and for performing simultaneous tasks” (Junco 2012a, 2236). This is true even for the “Net Generation” born after the 1980s (Kirschner and Karpinski 2010, 1237). As a result it is not surprising that “…*using Facebook and texting during class were negatively predictive of overall semester GPA*” (Junco 2012a, 2241). Finally, *even when laptops are solely used to take notes and students are given the opportunity to review their notes after a week’s delay, “participants who had taken notes with laptops performed worse on tests of both factual content and conceptual understanding, relative to participants who had taken notes longhand*” (Mueller and Oppenheimer 2014, 1, 8). As you learn to manage competing demands for your time outside of class, you may want to consider that “time spent on Facebook was strongly and significantly negatively related to overall GPA” (Junco 2012b, 187). Those who access Facebook while studying at home also have lower GPAs than those who stay “on task” (Rosen 2014, 948). Similar to the impact of multitasking during class, “…evidence from psychology, cognitive science, and neuroscience suggests that when students multitask while doing schoolwork, their learning is far spottier and shallower than if the work had their full attention. They understand and remember less, and they have greater difficulty transferring their learning to new contexts” (Paul 2013). You must decide how to balance such trade-offs outside of class. *During class, multitasking with your laptop, phone, or tablet will result in a failing participation grade.*

**Accommodations for different learning styles:** If you have a disability protected under the Americans with Disabilities Act, the Disability Services Program (303.871.2278 or dsp@du.edu) is a resource on campus that can help you to coordinate appropriate accommodations with faculty in all of your courses. Please consult with me privately during office hours or via email
before assignments are due if you anticipate that particular components of this course may pose obstacles for you. For information about the Disability Services Program at the University of Denver, see http://www.du.edu/studentlife/disability/dsp/index.html.

Accommodations for religious observance: University policy grants students excused absences from class for observance of religious holy days, unless the accommodation would create an undue hardship. Please consult with me privately during office hours or via email prior to missing class or assignments. For more information about the University of Denver’s religious accommodation policy, see http://www.du.edu/studentlife/religiouslife/DU_religious_accommodations_policy.html

Late assignments and make-ups: Students with legitimate reasons for missing specified deadlines or participation during class assignments may consult with the professor privately during office hours or via email to arrange an appropriate alternative concerning credit for their work. Credible excuses for all but emergencies are communicated prior to missed deadlines and classes or disappointing grades. Please use email or voice mail in the event of potentially contagious illness. Make ups of assignments requiring in-class participation entail alternative written assignments: Students are responsible to pre-arrange these make-ups or consult with the professor as soon as possible after an emergency. Make-ups are due at the time of the missed class session or within 72 hours of the professor’s communication of an alternative written assignment, depending on the circumstances of the absence.

In the absence of a pre-approved exception or documented emergency, late penalties apply:
    Same day after the specified deadline (until midnight): a one-step deduction (– ). Each subsequent day after the deadline: another step down (A becomes a B+ when submitted the day after a deadline, and falls to a B- on the second day after a deadline).

Formatting for all written assignments in this class
The text must be double-spaced, with 1-1.25” margins and a 12 point font. Fonts must be easily legible, standard manuscript fonts: e.g. Times New Roman or Helvetica are good choices. For the purposes of all page lengths described throughout the syllabus, each “side” of a piece of paper counts as one page: e.g. an eight page paper can either be on four double-sided sheets of paper or on eight single-sided sheets of paper.

All quotations require citations immediately after the quoted statement in the following format:
“…The effects of a constitutional bill of rights are commonly exaggerated” (Epp 1998, 13).


Citations of electronic sources should include an abbreviated in-text citation and a full bibliographic citation (below) in the following format:
“Conditions [in Greece] for undocumented immigrants and asylum-seeking children were particularly difficult. During the year local and international NGOs… found
unaccompanied minors incarcerated along with adults in detention centers … under degrading, inhumane, and unsanitary conditions” (State Department 2010, 16).


For citations to articles, follow the formatting in the “technology and learning” discussion on p. 3 and the works-cited listing at the end of this syllabus.

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Schedule of readings and discussions: Bring assigned texts and laptop to class

All students are expected to come to each class prepared to analyze the reading assigned for that day: e.g., you should all read the *Declaration of Independence and the assigned selections from the books by Hirschl and Stone Sweet’s before coming to class on Thursday, March 26.

Readings are available in the three books available for purchase unless marked by an asterisk: *Readings marked with an asterisk are available on Canvas.

<table>
<thead>
<tr>
<th>Week 1</th>
<th>What are the origins of constitutional politics?</th>
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<tbody>
<tr>
<td>Tuesday</td>
<td>Please read the syllabus carefully and purchase books.</td>
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<tr>
<td>3/24</td>
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<tr>
<td>Thursday</td>
<td>*Declaration of Independence</td>
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<tr>
<td>3/26</td>
<td>Hirschl, p. 1-10</td>
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<td>Stone Sweet, p. 20-21 and 28-38 (until “constitutional bargains”)</td>
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<th>Week 2</th>
<th>Can constitutional courts tame the tyranny of majorities?</th>
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<tr>
<td>Tuesday</td>
<td>Stone Sweet, p. 38-60</td>
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<td>3/31</td>
<td></td>
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<tr>
<td>Thursday</td>
<td>Workshop comparing constitutional rights in practice</td>
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<td>4/2</td>
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<tr>
<th>Week 3</th>
<th>Who can best protect rights and patrol constitutional boundaries?</th>
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<tr>
<td>Tuesday</td>
<td>Stone Sweet, chapter 4</td>
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<td>4/7</td>
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<tr>
<td>Thursday</td>
<td>Stone Sweet, chapter 5</td>
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<td>4/9</td>
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<th>Week 4</th>
<th>How do international constitutions emerge? Do they matter?</th>
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<tr>
<td>Tuesday</td>
<td>Stone Sweet, chapter 6</td>
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<tr>
<td>4/14</td>
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<td>Thursday</td>
<td>*Wind, “The Nordics, the EU, and the Reluctance…”</td>
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<td>4/16</td>
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<th>Week 5</th>
<th>Can constitutions entrench privilege and preserve power?</th>
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<tr>
<td>Tuesday</td>
<td>Hirschl, p. 10-16 and chapters 1 and 2</td>
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<td>4/21</td>
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Thursday  
4/23

Week 6  
Has the new constitutionalism constituted a just polity?  
Tuesday  
Hirschl, chapters 4 and 5  
4/28
Thursday  
Hirschl, chapters 6 and conclusion  
4/30

Week 7  
What brings constitutions and their rights to life?  
Tuesday  
Epp, chapters 1 and 2  
5/5
Thursday  
Epp, chapters 3 and 4  
5/7

Week 8  
Evaluating constitutional politics: Between ideals and practices  
Tuesday  
Peer review of research papers: Hard copy draft due at 10 am in class  
5/12
Thursday  
Research paper due to be uploaded to Canvas by noon  
5/14
Voluntary workshop during class session: Lingering questions?

Week 9  
Which theory best explains constitutional politics?  
Tuesday  
Debates: Students use evidence from research  
5/19
Thursday  
Debates: Students use evidence from research  
5/21

Week 10  
Revisiting rights revolutions: Entrenching or challenging power?  
Tuesday  
Epp, chapters 9 and 10  
5/26
Thursday  
Epp, chapters 5 and 6 (India) OR chapters 7 and 8 (Britain)  
5/28
Consult with team members to ensure that the team can compare both

Exam week  
Final exams due to be uploaded to Canvas by noon  
Tuesday  
scheduled exam session is 10-11:50 am  
6/2

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DESCRIPTION OF COURSE ASSIGNMENTS

Participation in class discussions
This course will proceed in a seminar style to the extent that our class size allows, meaning that the professor may lecture for part of class sessions, but much of class time should consist of discussion and activities where the professor is a facilitator. The success of seminar discussion depends on students’ ability to contribute to an informed discussion. Prepare yourself to make
constructive contributions by jotting down questions and taking notes on central arguments and corresponding evidence from readings.

**In-class writing**
Individually and in cooperative learning teams of three, students will analyze information and ideas from assigned readings, films, or specified data and write brief essays, reports, and tables during several class sessions. To be prepared to participate in these assignments, it is important that (1) students complete assigned readings on-time and (2) bring assigned texts and laptops to each class. In-class writing assignments are credit/no credit and require regular attendance. The grade individuals receive depends on the percentage of assignments completed (see p. 2), and whether it is apparent that students contributed to their teams’ efforts. Free riding on other team members will result in no credit for the free rider.

**Research paper**
*Each student will be responsible for comparing the protection of fundamental rights in two countries that are member states of the Council of Europe (excluding “micro” states such as Monaco and San Marino) in a research paper of 6 – 8 pages, not including any tables of evidence, figures, charts, or the required annotated bibliography.*

Within the context of the assigned scholarly literature in this class, students will explore the extent to which individuals enjoy the protection of their rights and freedoms as they exist under domestic constitutional laws and the Convention for the Protection of Human Rights and Fundamental Freedoms. Students may elect to examine particular rights protections in depth. Students are required to incorporate a set of specified sources into their analysis and will need to provide annotations to justify the use of external sources that they discover independently.

**Debates**
Each student will participate in one debate, arguing on behalf of or in opposition to one of the “hypotheses” discussed in the scholarly literature assigned for this class. Good contributions will draw on both assigned readings for this course and student findings from the research papers. Evaluation will be based on the quality of individual student contributions to the debate, within the context of others’ contributions. All advocates of a particular position must contribute constructively to earn credit.

**Final exam**
Students demonstrate their understanding of assigned course material and findings from student research as discussed in debates in a comprehensive take-home essay exam that takes the form of a paper up to 8 pages. The exam question will be distributed on Tuesday, May 26.

*Evaluation of research papers and the final exam are based on the extent to which they*
1. demonstrate an understanding of relevant evidence and course material respectively (data from specified and other reliable sources; assigned readings, class discussions)
2. organize discussions in a coherent manner
3. articulate ideas clearly, using the English language correctly
4. provide adequate acknowledgment of reliable sources with appropriate citation
5. annotate to justify the reliability of external sources discovered independently.
Works cited


