

**UNIVERSITY OF ABERDEEN**  
**SUMMER 2017**  
**COURSE SYLLABUS**

**Course:** Comparative Crime & Punishment  
Aberdeen, Scotland – July 10-Aug. 4, 2017

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**Classroom Location:**

To be determined.

**Course Description:**

This course will present a comparative overview of crimes and punishments in the world's principal legal systems, and it will also explore the fundamental and procedural rights of defendants in criminal cases. It will focus on the courts of the United States and Europe, including proceedings involving adults and juveniles. However, it will also provide an overview of other legal systems and punishment practices—whether in civil law, common law, or authoritarian countries—around the globe. In addition, the course will explore relevant provisions of international and regional human rights treaties. The course will explore the history of the Enlightenment and the criminal law writings of figures such as Montesquieu, Voltaire, Cesare Beccaria, Dr. Benjamin Rush, Thomas Jefferson and Jeremy Bentham; issues such as interrogations, criminal procedure, torture, sentencing, capital punishment, and solitary confinement; and other contemporary topics pertaining to judicial systems, prisons and penitentiaries, and the rule of law. This course provides students with the opportunity to do research on a comparative criminal law topic of their choice. The course will be evaluated on the basis of a final paper.

## **Units of Instruction:**

The Enlightenment: From the Ancien Régime to modernity

Comparative criminal law perspectives: Different approaches and provincial and universal benefits of comparative study

The principal legal systems of the world: Civil law, common law, Islamic and other approaches

Criminal procedure and constitutional criminal procedure: Global variations

The Scottish legal system: A case study

Interrogations, policing and other pre-trial matters: A range of practices

The treatment of juveniles: Different approaches, different outcomes

The Scottish legal system: Parole Board, Children's Hearings, the Violence Reduction Unit, and electronic monitoring

The use of solitary confinement: From the U.N. to individual prisons and localities

The use of corporal punishments: Abandonment vs. active use

The death penalty: Retentionist vs. abolitionist countries

The CIDT-torture continuum: An overview of cruel, inhuman and degrading treatment and torture

Sentencing practices: Utilitarian vs. retributive approaches

The treatment of minorities: Discrimination, race and criminal justice issues

Prisons and offenders: From the sanguinary system to the penitentiary system

From Scandinavia to Japan and the U.S.: Comparative perspectives on sentencing practices and the treatment of offenders

Individual rights and regional human rights regimes: Europe, Africa, and the Americas

Local practices and cultural relativism in the age of universal rights

**Course Materials:**

There will be no casebook for this course. Materials will be assigned from various law review articles and cases to be found on Westlaw or the Internet. Relevant citations or links for the assigned readings will be supplied on a unit-by-unit basis in advance of class.

**Student Learning Outcomes:**

By the end of this course, you will: (1) be able to state the facts surrounding the material differences in criminal justice systems around the world; (2) be able to explain how the Enlightenment and subsequent events shaped the development of human rights, criminal justice systems, and the development of the penitentiary system; (3) be able to express the key features of common law and civil law systems as well as those of the world's other principal legal systems (e.g., religious-based); (4) be able to recite the similarities and differences between legal systems—and their treatment of individuals in particular ways—in Africa, Asia, the Middle East, the Americas, and Europe; (5) be able to articulate the benefits of studying comparative criminal law and how comparative law perspectives better contextualize the American and Scottish criminal justice systems; (6) be able to describe the rationales for the different approaches taken in different parts of the world, including in regional human rights systems and in the courts of select countries; (7) be able to articulate arguments pertaining to the tension between cultural relativism and universal human rights; (8) be able to explain the status of the law pertaining to individual topics to be covered in the course (e.g., juvenile justice, discrimination, corporal punishment, capital punishment, solitary confinement, torture); (9) be able to articulate the approaches taken by the Scottish criminal justice system; and (10) have learned how to research a comparative law topic and to outline, write, edit and revise a scholarly paper that, with dedication and satisfactory effort, will be suitable for publication upon the completion of the course.

**Grades:**

Grades for the course will be determined on the basis of a final paper. One-on-one meetings will be held with students over the course of the summer on drafts of their papers. A due date for the final paper will be determined during the summer session in Aberdeen.

Class participation is expected and demonstrates that you have read and reflected on the issues raised in the reading assignments. Grades may be raised or lowered based on the overall quality of a student's class participation. Class participation will be measured by consistent participation in the course, as well as through each student's sharing with the class of information on the student's chosen paper topic.

**Course Expectations:**

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, tours of Scottish facilities pertaining to the course, and other academic work leading to the award of credit hours.

You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and reflected on the issues raised in the reading assignments. It is expected that students will be prepared for class and will have read the assigned material in advance of class.

**Attendance:**

Class attendance is a primary obligation of each student and continued enrollment in the course is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

**Course Web Site:**

This course will have a TWEN page that links to this syllabus and the reading assignments for the summer course. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information. Other reading assignments will be periodically distributed via TWEN during the summer session.

**Computers:**

Students may use laptop computers for class-related purposes.

**Office Hours:**

Regular office hours will be determined at the beginning of the summer session.

**Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via e-mail and posted on the classroom door.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code: [https://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm)]

**Title IX Sexual Harassment and Sexual Misconduct Policy:**

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or via email at [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).