

## READING COURSE: COMPARATIVE CRIMINAL LAW

Prof.: Dr. Julian Hermida

Course number:

Term: Winter

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### COURSE DESCRIPTION

This course gives you an opportunity to do a reading course on Comparative Criminal Law under my supervision. This course will introduce you to the fascinating field of Comparative Criminal Law. It will look at Comparative Law as a discipline, focusing on its method, history, and contemporary problems. It will also examine selected Criminal Law issues in different jurisdictions, with particular emphasis on Canada and Australia. It is a process-oriented reading, research, and writing course.



*"When writing your essays, I encourage you to think for yourselves while you express what I'd most agree with."*

### OBJECTIVES

This course is conceived so that you can:

1. provide an in-depth exploration of Comparative Criminal Law.

2. explain and apply relevant theories and laws in Criminal Law in diverse jurisdictions, with particular emphasis on Canada and Australia.
3. interpret theories and doctrines, and give recommendations where appropriate.
4. show the ability to analyse various aspects of Criminal Law, review, and synthesise knowledge.

## **LEARNING OUTCOMES**

Upon successful completion of this course, you will be able to:

- critically analyze and compare basic Criminal Law issues in different jurisdictions, particularly Canada and Australia;
- generate your own solutions to Criminal Law problems, identify and evaluate the political and social implications of your proposed solutions, and compare these solutions to those offered in other legal traditions and cultures;
- critically reflect on media and cultural products dealing with Criminal Law issues in Canada, Australia, and other jurisdictions;
- read academic texts on Comparative Criminal Law deeply; and communicate basic arguments; and
- make connections to theories and readings when analyzing comparative Criminal Law issues; and theorize, generalize, and hypothesize on these issues.

## **METHODOLOGY AND RESPONSIBILITIES**

You are expected to read the assigned texts, and to regularly communicate with me by email. My role is to guide you in your



progression and encourage you to construct a sound understanding of Comparative Law. It is your responsibility to get the most out of our meetings.

My responsibilities are as follows.

- To agree to a timetable for consultations, readings, and submissions of sections of the project and the final version of the paper.
- To advise on theoretical content.
- To assist with problems encountered in your reading process and provide ongoing input over the duration of the research and writing stages.
- To offer constructive criticism.

Your responsibilities are as follows.

- To proactively and regularly seek help from me.
- To communicate regularly with me as mutually agreed.
- To bring questions and issues.
- To read and analyse the required texts as well as the texts needed to write the essay.
- To pass in the drafts in on the agreed dates.
- To produce an electronic portfolio with the drafts, reading notes, and feedback.

## **EVALUATION AND FEEDBACK**

Evaluation is conceived mainly as formative; and feedback will be provided all throughout the course. There will be plenty of opportunities to experiment, try, fail, and receive formative feedback in advance of and separate from summative evaluation. I will also help you develop the metacognitive tools and strategies so that you can assess your own learning progress. As this is a process-oriented reading, writing and research independent course, you will be evaluated on your whole reading, writing, and research process and not only on the final writing product. So, your understanding of the readings,

your preliminary drafts, preparation for meetings, and your portfolio, together with the final writing paper, will be major components of the evaluation.

The evaluation of your achievement of the learning outcomes of the course will be based on the following components: portfolio, and the essay. The portfolio accounts for 50% of the final grade, and the essay accounts for 50% of the final grade.

## **ESSAY**

### **ESSAY REQUIREMENTS:**

- Approximately: 5,000 words.
- Font size: 12.
- Double line spacing.
- Correct use of English (spelling, grammar, and clarity).
- Every source used must be documented correctly and consistently according to the chosen referencing system, e.g. McGill Red Book, Harvard Blue Book, MLA, APA, etc.

**Passing requirements and scale of evaluation:** a positive response must be given to the following questions in order to approve the essay.

- 1) Does the essay adequately identify the research problem? Does it have a clear thesis?
- 2) Does the essay clearly explain the significance of the problem?
- 3) Does the essay adequately review the literature on the research problem?
- 4) Does the essay adequately explain the methodology? Does it clearly identify the theoretical framework?

- 5) Does the essay integrate readings discussed throughout the course?
- 6) Does the essay follow the style, language, citation method, and organization analyzed throughout the course?
- 7) Has the student adequately incorporated feedback received throughout the course?

## PORTFOLIO

You are expected to create an electronic portfolio to record your analysis of the texts. Your portfolio will also have to include all the draft of the essay, a short summary of all the readings, feedback you received, and reflections about your learning process in this course.

**Passing requirements and scale of evaluation:** a positive response must be given to the following questions in order to approve the essay.

1. Is the portfolio complete?
2. Is the analysis of the texts critical, creative, original, and intellectually challenging?
3. Does the analysis of the texts show connections to theories and issues discussed in our email communication?
4. Does the analysis of the texts show connections among different texts?
5. Is there a critical reflection about the learning process?

## GRADING SYSTEM

Grade	Percentage of Grade Value	Definition
A	80-100	Exceptional Performance

B	70-79	Good Performance
C	60-69	Satisfactory Performance
D	50-59	Minimally Competent Performance
F	0-49	Inadequate Performance

## REQUIRED READINGS

This is a reading intensive course. Below is a list of required texts for this course. Additionally, you will have to compile a list of readings for your essay. We will agree on a schedule for the reading of all these texts.

- Comparative Law by *Paul Norman* available at:  
[http://www.nyulawglobal.org/globalex/Comparative\\_Law.htm](http://www.nyulawglobal.org/globalex/Comparative_Law.htm)
- Djalil Kiekbaev, *Comparative Law: Method, Science or Educational Discipline?*, vol 7.3 ELECTRONIC JOURNAL OF COMPARATIVE LAW, (September 2003), <http://www.ejcl.org/73/art73-2.html>
- Canadian Criminal Law by Julian Hermida available at:  
<http://julianhermida.com/algoma/canadacrimlawiel.pdf>
- Convergence of Common Law and Civil Law in the Criminal Theory Realm by Julian Hermida available at:  
<http://www.julianhermida.com/dossier/dossierconvergence.pdf>
- LANHAM, D.J. (David J.), B. Bartal, R. Evans and D. Wood, *Criminal Laws in Australia*, Annandale, N.S.W.: The Federation Press, 2006, xlix, 526 p., ISBN: 9781862875586 and 1862875588: or any other book on Criminal Law in Australia.

## RECOMMENDED READINGS

One of the following books is highly recommended:

- De CRUZ, P. *A modern approach to comparative law*. Kluwer, 1993.
- De CRUZ, P. *Comparative law in a changing world*, 2<sup>nd</sup> ed. Cavendish, 1999.
- GLENN, H P. *Legal traditions of the world*, 2<sup>nd</sup> ed. Oxford University Press, 2004 (1<sup>st</sup> edition gained the Canada Prize, International Academy of Comparative Law, 1998)
- WATSON, A. *Legal transplants: an approach to comparative law*. Edinburgh, Scottish Academic Press, 1974, reprinted with new afterword 1993 by University of Georgia Press.

## WEB SITE

A web site for support to this reading course is available at <http://www.julianhermida.com>. You must regularly check the website and read all the articles, advice, and other information prepared for this independent course. **You must regularly check both the course website and your Algoma U email account.**

### Students with Disabilities

Students with disabilities who would like to discuss accommodations should contact me at the beginning of the term.

### Academic Dishonesty:

The University takes a very serious view of such offences as plagiarism, cheating, and impersonation. Penalties for dealing with such offences will be strictly enforced. Please read the Student Code of Conduct (Academic) on plagiarism and other offences against academic honesty. Please note that any self-misrepresentation in order to avoid attendance, meeting of assignment deadlines, writing of tests or examinations and/or completion of assignments, constitutes academic dishonesty.