

CREATING A GLOBAL CLASSROOM: DEVELOPING COLLABORATIVE LEGAL RESEARCH PARTNERSHIPS FOR UNDERGRADUATE STUDENTS IN THE U.S. AND NORTH MACEDONIA

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Abstract

During the spring 2020 semester, students in Professor Judithanne McLauchlan's U.S. Constitutional Law 2: Civil Liberties and Civil Rights course at the University of South Florida St. Petersburg joined together with students in Professor Jusuf Zejneli's Constitutional Law course at the University of Tetova to conduct comparative legal research in teams. The students formed eight research groups, all of whom researched various topics comparing Civil Liberties in the U.S. and in Europe: A Comparison of Cases decided by the SCOTUS and the ECtHR. The authors will use analyses of anonymous student surveys, a qualitative review of the students' written assignments and their observations of the students during the videoconferences and other interactions between the students from North Macedonia and the U.S. to evaluate the effects of incorporating this international experience into their courses.

Keywords: Global citizen, undergraduate research, comparative law, international curriculum

1. Introduction

During the spring 2020 semester, students from Professor Judithanne McLauchlan's *U.S. Constitutional Law 2: Civil Liberties and Civil Rights* course at the University of South Florida St. Petersburg joined together with Professor Jusuf Zejneli's *Constitutional Law* course at the University of Tetova to conduct comparative legal research in teams. The students formed eight research groups, all of whom researched various topics comparing *Civil Liberties in the U.S. and in Europe: A Comparison of Cases decided by the SCOTUS and the ECtHR*. The authors will provide an overview of the research project objectives, logistics, and outcomes.

This comparative legal research project was designed to introduce students to legal research and writing as well as to lead to a better understanding of the ECtHR in comparison to the SCOTUS. In addition to learning more about civil liberties and human rights in the U.S. and in Europe, this assignment gave students the opportunity to:

- foster intercultural understanding through learning and communication;
- develop oral and written communication skills through the communication with a counterpart from U.S. and North Macedonia - across cultures and beyond borders;
- become aware of the interconnectedness of local/regional/global social issues;
- expand opportunities to use technology in communication, learning and research;

- acquire more knowledge about civil rights and the protection of minority rights in the U.S. and North Macedonia;
- work virtually, outside homes, outside the country, through an on-line cooperation;
- reconsider possible preconceived ideas about big and small countries and the problems they face;
- share and learn from the experience of the other in terms of study and research;
- Overcome language barriers for those who were not able to communicate with a native speaker.

The authors will use analyses of anonymous student surveys, a qualitative review of the students' written assignments and their observations of the students during the videoconferences and other interactions between the students from North Macedonia and the U.S. to evaluate the effects of incorporating this international experience into their courses.

2. The Comparative Legal Research Assignment

The objective of the research project was to give the students the opportunity to work together on a comparative legal research project comparing decisions of the European Court of Human Rights and the Supreme Court of the United States involving similar legal questions. This project was designed to develop students' legal research and writing skills and to enhance students' understanding of the ECtHR in comparison to the SCOTUS. By learning more about legal issues in the EU and the workings of the European Court of Justice and the European Court of Human Rights, students were expected to learn more about Europe and to better understand the Supreme Court of the U.S. and its role in American constitutional democracy. Students were expected to use primary source material as well as secondary sources in the scholarly literature during their research. For the USFSP students, their attendance was required at a bibliographic instruction session with reference librarian at the university library to assist them with learning how to use Lexis/Nexis, Westlaw, JSTOR, and the other resources.¹ In addition, a Legal Research Exercise was designed to give the students practice finding cases, briefs, statutes, regulations, and law review articles using the databases and other online resources introduced at the Bibliographic Research Session.

The Supreme Court of the United States ensures that federal law is interpreted consistently throughout the states; the European Court of Justice ensures that EU law is applied consistently throughout the EU member states. The courts have, to that extent, a similar mission. This project helped students to gain a deeper understanding of the Supreme Court of the United States by encouraging them to reflect on the Court as an institution in a comparative context. As the European Court of Human Rights (ECtHR) takes a primary role in civil liberties cases, students could compare and contrast decisions of SCOTUS and the ECtHR involving a similar legal question to develop a richer understanding of the legal frameworks supporting human rights protections in the American and the European contexts. The Assignment Handout includes several appendices with additional information and resources about the three courts.

In the Assignment Handout, the instructors provided guidance and possible directions for research. Below are some suggested starting points for students seeking to compare human rights protections included in the U.S. Constitution and the European Convention on Human Rights:

¹ For more information about the Legal Research Session see Dr. McLauchlan's blog post: <https://comparativelegalresearch.blogspot.com/2020/04/usfsp-legal-research-exercise-and.html>

1. ECHR Article 3 Prohibition of Torture; US Constitution, 8th Amendment ban on cruel and unusual punishment;
2. ECHR Article 6, Right to Fair Trial; US Constitution, US Constitution, 4th, 5th, and 6th Amendments;
3. ECHR Article 10 Freedom of Expression; US Constitution 1st Amendment;
4. ECHR Article 9 Freedom of Thought, Conscience, and Religion; US Constitution 1st Amendment Establishment Clause and Free Exercise Clause;
5. ECHR Article 11 Freedom of Assembly and Association; US Constitution 1st Amendment;
6. ECHR Article 12 Right to Marry; US Constitution 5th Amendment Due Process, 14th Amendment Equal Protection.

The instructors also provided these questions for the students to consider during their research:

- Compare and Contrast Major Features of ECJ, ECtHR, and the SCOTUS and discuss how these similarities/differences affect case law;
- Select cases dealing with a similar civil liberties issue from a European Court and the SCOTUS. Discuss what the courts decided in those cases and the effect of the decision. How do the law that is applied and the procedures of the court(s) affect the outcome of the cases?
- Based on the outcome of the cases and issues you compared, where do you believe liberty is more secure?

Students worked independently and in groups to produce research papers (individually) and to present a research poster at our international research conference (in groups).

3. Logistics and Project Design

The Assignment Handout² was distributed and discussed in each of the *Constitutional Law* classes. After the students spent time learning more about the project, they were asked to complete the “Group Presentation Research Topic Preference Form.” On this form, students indicated their preferred research topics (and ranked those) and their preferred student research partners, if any. Professors McLauchlan and Zejneli then reviewed all of the preference forms and placed the students into groups. Based on the enrollment in the courses, we formed eight groups, each with three USFSP and one UT students. Once the groups were formed, the instructors created a handout that included the eight student groups with the students’ names, contact information, and the hours they could best be reached. All communication was in English.

Throughout the ten-week period of research collaboration, students met for joint classroom meetings and small-group sessions using technology and social networking tools to engage effectively. Students were encouraged to sign up for free accounts with Skype, Facebook, Dropbox, and WhatsApp to facilitate meeting virtually with their partners overseas and to share relevant files and documents.

In addition, the instructors created a USFSP-UT Facebook group so that all of the students could be reached in one place. Since we were not all in one course Learning Management System, the Facebook group provided a good substitute. In Dr. McLauchlan’s experience in other courses, creating a Facebook group provides a (supplemental) way to share photos and

² Email the authors at jsm2@usf.edu or jusuf.zejneli@unite.edu.mk for a copy of the Research Paper Assignment

videos and time sensitive messages with the students more quickly than traditional email or Canvas. In the case of this international cooperation, it was an essential tool for us to communicate with the USFSP and UT groups quickly and simultaneously.

This research cooperation took place over a ten-week period. During that time, most of the student research and collaboration took place outside of class.³ Our two classes met jointly three times during the length of the project. The first joint meeting, we were still in our regular classrooms at our universities, and we used the video call feature in Facebook (from Dr. McLauchlan's laptop). When it was their turn to speak, students at USFSP needed to walk to the front of the lecture hall to speak into the microphone on the professor's laptop. Ironically, our videoconferencing capability was improved significantly once the COVID-19 pandemic moved all of our teaching to remote, online learning. Our subsequent two joint meetings were held in Canvas, using the Blackboard Collaborate Ultra (BBCU) platform. Dr. McLauchlan created a "guest" access link, and all of the participants from North Macedonia were able to join the session.⁴ Using BBCU, we were able to see and to hear each student presenter clearly, which was a welcome improvement as the project moved forward.

The focus of the first joint class meeting was to introduce USFSP and UT students to the project, the professors, the students, and the SCOTUS and the ECtHR.⁵ During the second meeting, which was organized around the mid-point of the project timeline, students had the opportunity to give progress reports on their group project.⁶ The final joint session was the international research conference and poster presentation.⁷

The global COVID-19 pandemic and the stay-at-home orders in our two countries did necessitate modifications to this project. However, since we were always planning for this collaboration to take place virtually, the universities' move to online learning did not negatively impact our ability to complete the project. Still, changes were made. Given the increased pressures and difficulties students were facing at the time, we reduced the page number requirement for the research papers and focused the group work on their joint research posters. Since the libraries could not be accessed to pick up physical copies of books, the students relied more heavily on law review and journal articles for secondary sources and books that were available on our library website online as e-books. The primary source document was all readily available online, as usual.⁸

Ultimately, the student research topics and groups were as follows:

Group 1: Reproductive Rights: "Opposite Sides of the Ocean, the Same Fight": Selma Ademi, Rebecca Nero, Nicole Oyola, and Naya Payne;

Group 2: "Freedom of Expression": Devi Mukja, Reese Remington, Christian Resnikoff, and Jenna Sierra;

³ For more information and for photos of the student collaboration outside of class, see Dr. McLauchlan's blog post: <https://comparativelegalresearch.blogspot.com/2020/05/usfsp-ut-student-collaboration-outside.html>

⁴ For more about the BBCU platform, see Dr. McLauchlan's article, co-authored with Karla Morris and Steph James, "Simulations in Online Courses: Integrating Synchronous Experiential Learning Opportunities for Students in the Virtual Classroom" *The Teaching Professor* May 2020. <https://www.teachingprofessor.com/topics/online-learning/teaching-strategies-techniques/simulations-in-online-courses-integrating-synchronous-experiential-learning-opportunities-for-students-in-the-virtual-classroom/>

⁵ For more information and for photos of the first joint meeting, see Dr. McLauchlan's blog post: <https://comparativelegalresearch.blogspot.com/2020/04/our-first-joint-usfsp-ut-videoconference.html>

⁶ For more information and for photos of the second joint meeting, see Dr. McLauchlan's blog post: <https://comparativelegalresearch.blogspot.com/2020/04/our-2nd-joint-usfsp-ut-videoconference.html>

⁷ For more information and for photos of the third joint meeting, see Dr. McLauchlan's blog post: <https://comparativelegalresearch.blogspot.com/2020/04/>

⁸ For example, the HUDOC database (<https://www.echr.coe.int/Pages/home.aspx?p=caselaw/HUDOC&c>) and the Supreme Court of the United States (<https://www.supremecourt.gov/>)

Group 3: “Freedom of Association”: Jalessa Blackshear, Vjollca Emini, Michael Oeser, and Alec Silvera;

Group 4: “Enhanced Interrogation” and the Prohibition on Torture: Julianne Baschuk, Eden Fhima, Veton Jakupi, and Seth Will;

Group 5: “The Death Penalty: Cruel and Unusual Punishment”: Weston Epps, Artin Hasipi, Lauren Lewchuk, and Hannah Murphy;

Group 6: “Rights of the Disabled in State Care”: Samantha Fiore, Spencer Gomez, Nedreta Jusufi, and Bailey Meyer;

Group 7: “The Right to Marry in the U.S. and in the Council of Europe”: Stephen Fleming, Lacey Kozlowski, Elizabeth Manning, and Artina Mustafi;

Group 8: “Right to a Fair Trial”: Isaiah Castle, Matthew Franzese, Sherette Mills, Diellza Selimi.

Copies of the research posters are included in this volume.

Unfortunately, commencement of the research project in earnest coincided with commencement of the stay-at-home curfews and other distressing situations in the lives of our students (loss of jobs, loss of incomes, illness). Moreover, some of the students in the U.S. did not have the necessary technology at home. Fortunately, they were aided by USFSP Student Government and Poynter Library programs to check out laptops.⁹

As a result, we had a bit of a slow start. Despite the challenges, the students rallied and, in the end, were able to make significant strides with their research projects. As evidenced in the anonymous survey responses recounted below, students were proud of their accomplishments with this international research cooperation, especially during a global pandemic.

The move to 100% online learning in the courses did necessitate additional time in (virtual) office hours, meeting with the students individually and in groups to mentor them on their research projects.¹⁰ Indeed, everything about the urgent and unexpected move to 100% remote learning due to the pandemic was more time consuming for instructors around the world.

The culmination of the research project was the international research conference and poster presentation. One unfortunate result of the stay-at-home orders was that the UT students, who were originally slated to present their research posters at an event in the U.S. Embassy’s American Corner in Tetovo,¹¹ instead presented their research from their homes. However, we were still able to include members of the community as observers and participants in the conference, such as students active in the Youth Council of Tetovo,¹² by providing the BBCU guest link.¹³ In addition, leadership of the two universities joined the conference and supported the students’ international cooperation. We appreciated the support of the USFSP Chancellor, Vice Chancellor for Academic Affairs, Director of Institutional Research, Director of Global Engagement and the UT vice Rector for International Relations, Dean of the Law Faculty and other distinguished members of the Law Faculty at UT.¹⁴

4. Reflections on the USFSP - UT Global Classroom

The objective of the project was to develop the students’ legal research and writing skills while providing an opportunity to work with students overseas on a project, comparing decisions of the ECtHR and the SCOTUS. Despite the global pandemic, these objectives were achieved.

⁹ <https://lib.usfsp.edu/COOP/LaptopBorrowing>

¹⁰ For more information and for photos of the office hours, see

<https://comparativelegalresearch.blogspot.com/2020/04/virtual-office-hours-to-discuss-usfsp.html>

¹¹ <https://mk.usembassy.gov/education-culture/american-corner-tetovo/>

¹² For more information and for photos of the student collaboration outside of class, see Dr. McLauchlan’s blog post: <https://comparativelegalresearch.blogspot.com/2020/04/the-local-youth-council-of-tetovo.html>

¹³ BBCU can accommodate 250 participants in a typical session.

¹⁴ <https://comparativelegalresearch.blogspot.com/2020/04/international-research-symposium-usfsp.html>

Students had the opportunity to learn more about a variety of human rights issues -- from reproductive rights to criminal due process to marriage equality to freedom of association-- while collaborating with international partners. It was evident during the poster presentations how much students learned about their research topics.

In order to get a better understanding of the impact of the project on students' learning, the instructors administered anonymous surveys to the students by posting a link to a Google Form in the Facebook group after the semester was over.

- 100% of the students reported feeling better informed about human rights issues after completing this research assignment;
- 100% of the students reported that they felt more comfortable working with people of a different ethnicity after working on this project;
- 100% of the students who had not already graduated indicated that they are more likely to take a study abroad course having participated in this international assignment. (Indeed, the topic of Study Abroad came up during our research conference; several students expressed an eagerness to travel to North Macedonia in the BBCU chat box during the conference.¹⁵)

After working on this comparative research project, 68.8% of students reported that they felt informed about global politics. (See Figure 1) And 76.9% agreed that they enjoy having discussions with people whose ideas and values are different from their own. (See Figure 2)

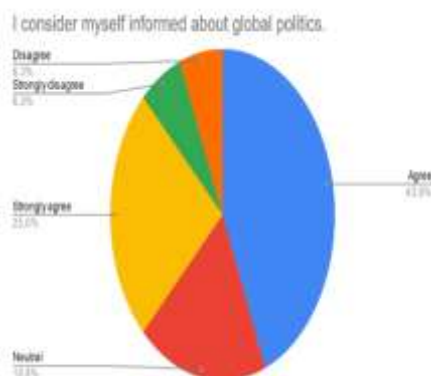


Figure 1. Global politics Informations

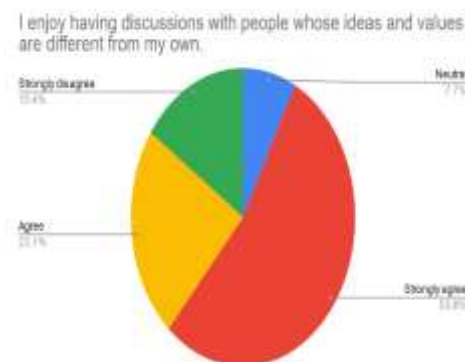


Figure 2. Discuss different ideas with people

75% agreed that they were confident that they could communicate with people of a different culture or ethnicity.

¹⁵ You can see the students' discussion in the chat box feature of BBCU:

<https://comparativelegalresearch.blogspot.com/2020/04/international-research-symposium-usfsp.html>

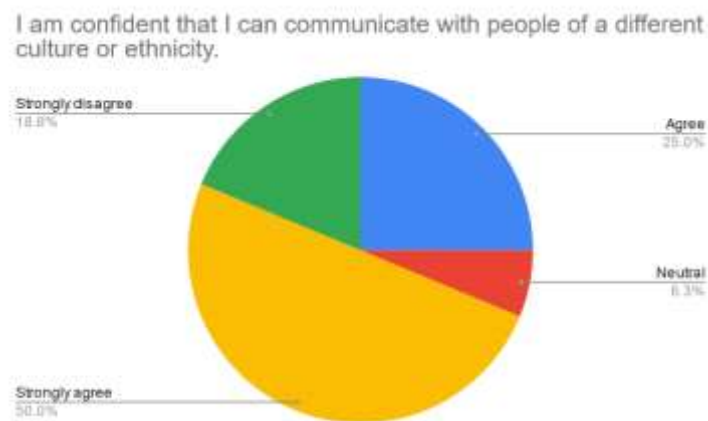


Figure 3. Communication with different culture/ethnicity

In the open-ended responses to survey questions, students focused on their perceived academic achievements as well as the soft skills development as a result of working with partners overseas.

To the question *what was the most valuable aspect of working on the project?* Student responses focused on the legal research skills that they developed and the knowledge that they acquired as a result of their research. Many students referenced how the comparative nature of the assignment led to a more nuanced understanding of each institution: the SCOTUS and the ECtHR. One student commented “I think comparing cases of two different states was the best part and the best way of learning.” Another student explained

It’s not every day that you have the opportunity to complete research on a topic with someone from another country and come together to make a presentation and educate others on the topic. It was so wonderful getting to know our colleague and having her support and knowledge throughout the process.

In addition, students described the benefits of the experience working with students from another country, in particular, how that experience helped to broaden their perspective on human rights issues. Sample student feedback:

Learning a different perspective on issues I cared about

We learned a lot of new things, more ways of working together and the most important -- meeting new people around the world is such a good feeling

Being introduced to a new pattern of thinking, and, of course, the communication in another language, helped a lot to be more confident

Working with our colleagues from another country was a valuable experience

Students also mentioned improved communication skills as well as the benefit of practicing English with a native speaker. As conversations drifted from the assignment, students had the opportunities to learn more about each other’s culture. For example, one student remarked “during our little breaks we would talk about the differences in our cultures ... I learned a lot of cool information about American food traditions!” Other students explained that they appreciated the opportunity:

To learn about their lives & how they view the U.S.;

Meeting the new friends and having to work in a different language;

We were able to talk about things that are similar and different in our lives and how we value our education the same.

To the question *how the project could be improved?* We couldn’t agree more with the student who quipped: “Not have it interrupted by a global pandemic :)” Another student suggested that

there should be an “exchange of students between universities.” Indeed, we will work towards continued cooperation between our universities, and the instructors will follow up on a MOU between our universities. Perhaps someday we can include face-to-face, in-person student exchanges. Another, acknowledging the slow start, suggested that “It could have been perfect if we could have contacts earlier with friends from USA, but I think the situations with virus around the world was so depressive everyone of us was maybe a little de motivated at the beginning. In the end I think we made it so well”

To the question: *Did the group project meet your expectations?* The positive response was overwhelming. Students described the assignment as well-organized, and most indicated that it exceeded their expectations. They emphasized how much they learned about human rights protections in the US and Europe, how they developed communication and language skills, and how they felt more comfortable developing cross-cultural connections. This was all the more rewarding for them, given the context of a global pandemic:

Despite COVID-19, we were still able to come together to present our research posters, which was exciting. It was amazing seeing our group come together and share what we all had learned. It was such a great experience.

I think it went beyond expectations. In this difficult period going around the whole world, we did so much more than we would think possible.

Yes, the research project did meet my expectations, and it was even better than I expected. We had to talk online and contact our friends from the other side of the world.

In addition to the surveys that the instructors administered, the University of South Florida administered end-of-course evaluations. While there were no questions specific to the assignment, students did reference the project with University of Tetova in their open-ended comments:

I really enjoyed our assignment with UT I loved the assignment and doing research on something that was interesting to me, and learning from a student in another country was amazing.

I learned so much in this course. Amazing opportunity to collaborate with students from University of Tetova in Republic of North Macedonia!

At the time of this writing, we are, after three months, still in the midst of a global pandemic, and COVID-19 cases are on the rise in Florida. The U.S. Department of State has issued a Global Level 4 Health Advisory advising US citizens to avoid all international travel or prepare to remain abroad for an indefinite period. The borders of North Macedonia are open only to citizens and legal residents who have tested negative for COVID-19 within the previous 72 hours (and then must self-isolate for 14 days), and all airports are closed indefinitely. In the best of times, travel for our students between Florida and Tetovo is a challenge due to costs and visa requirements. Now, it is nearly impossible and would certainly be ill-advised.

Projects like this one, that link students together in joint research collaboration (from the comfort of their own homes) provide a much-needed opportunity for cross-cultural cooperation. The authors encourage faculty to seek out and to develop partnerships with colleagues at other universities around the world. After the Spring 2020 move to 100% online learning, faculty and students everywhere have the technology (and skills) readily available to enable international collaborative projects. Students indicated in their survey responses that they intend to seek out opportunities and experiences like this one. One student noted that these were “important experiences that can help me in the future. And this is a reason I will take part in more activities like this.” Another explained “I would like to have more research about global topics and more cooperation from our university and other universities all over the world.” Limits on travel and social distancing requirements are likely to extend for the

foreseeable future, making it even more important to develop online, virtual international partnerships.

In the online survey, we also asked for students to reflect on what it means to be a “global citizen.” We conclude our findings with this student’s response: “A global citizen is a person who is aware of and understands the wider world - and their place in it. Over the course of this semester I have learned how to take an active role in our community, and work with others to make our planet more equal and fairer.”

Appendix

Abstracts of the Group Research Projects

Group 1: Reproductive Rights: “Opposite Sides of the Ocean, the Same Fight”

Selma Ademi, Rebecca Nero, Nicole Oyola, and Naya Payne

Abortion is a controversial subject, and it is one that has been brought into the legal landscape for quite some time, with laws and statutes being made to either advance or deter access to abortion. In some countries, abortion is freely accessible and then in others there is absolutely no access to the service at all. In our research we examine two countries: the United States and Ireland. We observe the landmark decisions of each of the Supreme Court of the United States and the ECtHR pertaining to abortion access under the United States’ 14th Amendment Due Process Clause and the right to privacy and the European Convention on Human Rights Section 1 Article 8 respect for private and family life. We examine the ruling of the Supreme Court of the United States in *Roe v. Wade* (1973) and the European Court of Human Rights ruling in *A, B and C v. Ireland* (2010). We will be researching reproductive rights in the United States, what rights were established before and after *Roe*. We will analyze similar questions when researching Ireland, evaluating access to reproductive rights and the legal landscape before and after *A, B and C*. We observe the different features of the ECtHR and the SCOTUS by comparing and contrasting, also observing how these similarities and differences impact case law. The question we seek to answer with our research is, “Is abortion access under the right to privacy, better protected under the ruling of the Supreme Court of the United States or the ruling of the European Court of Human Rights?”

Group 2: “Freedom of Expression”

Devi Mukja, Reese Remington, Christian Resnikoff, and Jenna Sierra

The question of what does freedom of expression mean, and how deeply does freedom of expression extend, is a question of not just legal but moral and philosophical ramification that has been questioned for ages, and one of the many areas in which the legal environments of both the United States and Europe indirectly debate. For the United States, expressive speech has been debated and curbed heavily in the name of protecting the interest of the greater public, but one aspect of individual expression that has continually been defended and protected by the American legislative and judicial sphere is the right of an individual to express their own personal beliefs. In the United States, this freedom of expression that we possess often goes hand in hand with another right we’re afforded in the Bill of Rights, freedom of religious worship. In the possession of both of these rights, freedom to outwardly practice your religion and express yourself in any given way deemed appropriate to your religion has always been a cornerstone of American life. A good showing of the ways American religious expression is protected is through the comparison of two different cases, one ruled by the Supreme Court, the other by the European Court of Human Rights. The cases of *West Virginia State Board of Education v. Barnette* (1943) in the US and *Religious Communities of Jehovah’s Witnesses v.*

Azerbaijan (2020) are compared and contrasted to show the different means and levels of protection awarded to religious and expressive conduct of personal belief. We found in our comparison of these two cases that American religious liberty and the outward expression of such is more definitively protected than in that of Europe. Though the practice and belief of religion is undoubtedly protected, one's ability and right to express their religious beliefs is curbed in the name of preventing discriminatory and otherwise unsavory behavior. In the United States, even in the name of patriotism during wartime, the right of one to do as they will in the name of their religious beliefs is well protected, while under the ECHR, it is not quite as cut and dry.

Group 3: "Freedom of Association"

Jalessa Blackshear, Vjollca Emini, Michael Oeser, and Alec Silvera

Freedom of Association seems like a simple concept, yet as it clashes with other individual rights and liberties, the issue becomes far more complex. A major hindrance in examining the balancing of these interests is the relatively malleable value places upon them across societies. Every aspect of a given society's culture, history, religion or religions, ethnicities, and a host of other factors come into play when assessing the approach the society takes. Our research has been narrowed in focus to consider the value placed on expressive association by the United States Supreme Court (SCOTUS) and the European Convention of Human Rights (ECHR). Using a comparative research method, we have examined judicial rulings regarding expressive association from these two entities. After evaluating the SCOTUS decision *Boy Scouts of America v. Dale* (2000) and the ECHR decision in *ASLEF v. UK* (2007), we have concluded that while the cultural and political differences between these societies are significant, they have arrived at similar places when it comes to the value of expressive association. Freedom of Association works both ways when it comes to expression. While the government may not prevent individuals from associating with whom they choose, it also may not force them to associate with anyone they do not wish to associate with.

Group 4: "Enhanced Interrogation" and the Prohibition of Torture

Julianne Baschuk, Eden Fhima, Veton Jakupi, and Seth Will

The purpose of our research was to understand the classification of torture when discussing interrogatory practices under the laws of both the United States and the European Court of Human Rights. Our outcome is to present a clear definition of the legality of using enhanced interrogation measures under the judiciary interpretation of the United States Supreme Court and the European Court of Human Rights. The examination of *Rasul v. Rumsfeld* (2009) and *Brown v Mississippi* (1936) under the Supreme Court and *Ireland v. United Kingdom* (1977) under the European Court to construct this definition. The Supreme Court and the European Court of Human Rights have held mirrored understanding as to the prohibition of enhanced interrogation strategies as being classified as torture. The Supreme Court has held these acts as violations of the Due Process Clause of the Fourth Amendment, and also as a violation to the Eighth Amendment. The European Court has upheld the European Convention on the Prohibition of Torture, as enhanced interrogation has been cited to be an act unfounded by Articles One, Two, and Seven. Enhanced interrogation techniques are classified in both these regions as violations to the prohibition of torture, but through legal loopholes regarding extradition to non-territorial holdings, like Guantanamo Bay, such prohibited actions are still utilized by these nations. This presents an issue requiring further attention, as both legal systems are in need of reworking in order to fully enforce the desired intent of such prohibition against torture in the process of undergoing an interrogation.

Group 5: “The Death Penalty: Cruel and Unusual Punishment”
Weston Epps, Artin Hasipi, Lauren Lewchuk, and Hannah Murphy

The death penalty and the concept of torture are subjects by which have been debated over hundreds of years. It is known that the death penalty is a subject by which has been present within our criminal justice system since ancient times. We have witnessed a growth in appreciation for human rights and due process in the judicial system. Many European and American cases have been compared and contrasted in an attempt to decipher this evolution. Both American and European histories regarding capital punishment and torture were magnified through this study for further clarity that there was a distinct metamorphosis. We partnered with students from the University of Tetovo in Macedonia as an attempt to further understand European history, morals, and justice. We came together as a group to fulfill the goal of comparing the evolution of cruel and unusual punishment from both an American and European perspective. Although it is evident that we are ever-expanding as a society, it was discovered through this study that time is a solvent to immorality. We concluded that through court cases, civil rights rulings, and the recognition of individual freedom, the death penalty has increasingly become the last resort.

Group 6: “Rights of the Disabled in State Care”
Samantha Fiore, Spencer Gomez, Nedreta Jusufi, and Bailey Meyer

In this legal research project, we analyzed the rights of the disabled in state care according to the Supreme Court of the United States (SCOTUS) and the European Court of Human Rights (ECtHR). Both SCOTUS and ECtHR have a foundation of acts, articles, and clauses that protect the rights of the disabled. The main Articles of the ECHR that we considered were Article 3, the Prohibition of Torture or Inhumane or Degrading Treatment or Punishment and Article 13, Right to an Effective Remedy. We compared these guarantees to the Eighth Amendment of the United States Constitution, the ban on cruel and unusual punishment and the federal statute, the Civil Rights of Institutionalized Persons Act (CRIPA). The landmark cases that we compared relating to those legal protections were *L.R v. North Macedonia* (2015) and *O'Connor v. Donaldson*, 422 US 563 (1975). In reviewing both of these landmark cases, we addressed the legal issue of the entrance and treatment of disabled persons in state care. By the analyzing these cases, we looked more deeply at prohibition of torture for mentally ill and physically disabled persons. Finally, we discussed the implications of these landmark cases when it comes to constitutional law and the social justice issues that have arisen in these cases. We also provide our biggest takeaways that we have learned through our research in hopes to educate the community on the ever-changing rights of the disabled in state care.

Group 7: “The Right to Marry in the U.S. and in the Council of Europe”
Stephen Fleming, Lacey Kozlowski, Elizabeth Manning, and Artina Mustafi

The Supreme Court of the United States and the European Court of Human Rights for the Council of Europe have seen similar cases regarding same-sex marriage, but their rulings have shown a difference in culture and governmental proceedings. Throughout human history, the definition of marriage has shifted as society has evolved, from coverture to equal; loving relationships but still not everyone has the freedom to marry. *Obergefell v. Hodges* (2015) in the Supreme Court, and *Chapin and Charpentier v. France* (2016) in the European Court of Human Rights are very similar in their facts, but come to different conclusions. *Obergefell* legalized same-sex marriage throughout all 50 states, while *Chapin and Charpentier* only

recognized that the European Convention of Human Rights does not limit marriage to opposite-sex couples, leaving the final judgment to legalize same-sex marriage to member States. While the judgments were different, there were still similar thoughts via the dissenting opinion from Justice Scalia saying the Court overstepped her bounds by deciding something that should have been left to the States to decide through legislative means. These Courts are meant to protect individual rights though through different actions, they have protected different kinds of individual rights- the right of the people or the right of the People.

Group 8: “Right to a Fair Trial”

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The 6th Amendment guarantees the rights of criminal defendants. These include the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you. It has been most visibly tested in a series of cases involving terrorism, but much more often figures in cases that involve (for example) jury selection or the protection of witnesses, including victims of sex crimes as well as witnesses in need of protection from retaliation. The core principles of the 6th amendment translate clearly to Article 6 of the European Convention on Human Rights. This presentation uses a U.S. Supreme Court case, *Gideon v. Wainwright* (1963) and compares it to a case from the European Convention on Human Rights, *Selman and Others v. The Former Yugoslav Republic of Macedonia* (2017).

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