



Harvard University

Expository Writing 20
Personhood in U.S. Constitutional Law
Spring 2024

Tuesdays and Thursdays in Sever Hall

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Office Location: One Bow St
Office Hours: TBD



According to philosopher Thomas Hobbes, the world—including human life—is selfish, violent, and without justice. Against this imagined state of nature, societies form to establish laws, thereby preserving property, enforcing agreements, serving the general welfare, and securing peace for mutual prosperity. However, a problem arises for Hobbes: if societies thrive upon such governance, it is only insofar as beneficiaries are able and willing to abide by the law. But given that humans are naturally uncooperative in the Hobbesian worldview, societies must invent something that recognizes and is in turn recognized by the law: a “person.” As a result, humans, non-human entities, and corporations can be personated. Jurisprudence consequently grapples with criteria whereby persons are defined. While Hobbes is not the architect of the U.S. Constitution, his influence on the issue of personhood is most apparent when we ask, “who are the ‘we’ in ‘we the people?’” What counts as a person? No question is more urgent in the course of events than when personhood is employed by the Supreme Court. From *Dred Scott v. Sandford* to *Students for Fair Admissions v. Harvard*, from *Buck v. Bell* to *Dobbs v. Jackson Women’s Health Organization*, this course explores numerous landmark decisions that have made and unmade people.

This course includes a possible field trip—pending advice—to the [John Adams Courthouse](#), home to the Supreme Judicial Court of Massachusetts as well as the Massachusetts Appeals Court, the oldest appellate court in the Americas.

Schedule

Unit One

We begin in Unit One by focusing on race and citizenship, asking questions about how personhood figures into the history of U.S. slavery and segregation. Considering these questions through writing assignments based in slow, careful, and deliberate *analysis*, this unit culminates in a Close Reading Essay where you *interpret* a majority or dissenting opinion selected from a case. In this single-source assignment, you will learn how to locate a judicial argument's foremost assumptions and commitments, interrogate its *key terms*, and explain *what is at stake* in granular detail. Most importantly, you will start to notice how fruitful writing is not about having the right answers, but about asking the right questions.

Unit One Sources:

Dred Scott v. Sandford (1857), *Plessy v. Ferguson* (1896), *Brown v. Board of Education* (1954)

Unit Two

Having practiced actively reading a primary source and economizing your *evidence* through a focused lens, you will enter Unit Two prepared to ask bigger questions, raising the stakes of your writing. In this unit, we will continue investigating Supreme Court decisions on the topics of gender and civil liberty, going beyond court documents to view extracts from the [Justice Sotomayor](#) and [Justice Gorsuch](#) confirmation hearings as a means to survey issues of prejudice in the law even when confirming Justices. Assignments will incorporate multiple perspectives into your thinking, building towards your *thesis-driven* Comparative Analysis Essay. In this essay—which is more complicated and nuanced than your previous essay—you will make an *arguable* claim in reference to your two chosen texts, navigating different viewpoints with an emphasis placed on how you *structure* and *transition* through your argument. By the end of this unit, you will notice that learning how to write is about communicating with an audience as you situate your opinions in a wider conversation.

Unit Two Sources:

Korematsu v. United States (1944), *Loving v. Virginia* (1967), *Students for Fair Admissions v. Harvard* (2023)

Unit Three

Highlighting some of the most contentious cases within the Supreme Court's purview in recent decades, Unit Three deals with a range of topics including abortion. By appreciating that framing a debate around a dilemma is as much about curating your *sources* as about *orienting* your reader, this unit affords you the greatest freedom and responsibility for selecting materials to study and cite when writing your final essay. While we will read philosophical, scientific, and sociological articles in addition to reading legal decisions as a group, assignments completed in preparation for your independent Research Essay welcome a variety of interdisciplinary approaches. Intervening in a

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conversation on your own terms and taking a *stance* therein, you are invited to employ supplemental research methods of your choosing when crafting your essay. By engaging the primary and secondary source documents, thoughtfully supporting your thesis with choice evidence, this essay brings all the previously exercised writing skills together in an opportunity to cultivate your own investments in U.S. Constitutional discourse which, in turn, makes for informed and interesting writing.

Unit Three Sources:

Buck v. Bell (1927), Tooley's "Abortion and Infanticide" (1972), *Roe v. Wade* (1973), *Casey v. Planned Parenthood* (1992), *Dobbs v. Jackson Women's Health Organization* (2022)

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Writing Process

Writing essays for Expos includes pre-draft assignments, draft cover letters, rough and final drafts, individual instructor conferences, and peer workshops.

Due Dates

You should complete your assigned readings and tasks ahead of listed due dates on the schedule since your homework informs our in-class discussion. All readings and assignment handouts will be made available on Canvas. Issues related to accessing course materials do not excuse missing due dates or being unprepared: if you ever need a resource, please contact me and I will help you to complete your work on time. Because Expos courses move quickly and build from unit to unit, extensions are forbidden excluding serious issues outside of your control. In any case, you must be in contact with me if you anticipate falling behind and I will do whatever I can to keep you on track. Unless you notify me in advance about extenuating circumstances that will prevent you from submitting your work, I will lower your grade for the assignment by one letter for each day that it is late.

Grading

Close Reading Essay Revision	25%
Comparative Analysis Essay Revision	30%
Research Essay Revision	35%
Engagement	10%
Pre-Draft Assignments	Included in Engagement and Essay grades

Policies and Campus Resources

Accommodations for Students with Disabilities

If you think you will require some flexibility in deadlines or participation in the course for reasons of a documented disability, please schedule a meeting with me early in the semester so we can discuss appropriate accommodations. (To be eligible for such accommodations, you need to have provided documentation to the [Disability Access Office](#) ahead of time. Please let me know if you are unfamiliar with that process.) The Disability Access Office works closely with Expos courses, and we will develop a plan that is appropriate for your needs. Please note that it is always your responsibility to consult with me as the need for those accommodations arises.

Counseling and Mental Health Services

<https://camhs.huhs.harvard.edu>

Academic Resource Center

<https://academicresourcecenter.harvard.edu/services>

Writing Center

<http://www.fas.harvard.edu/~wricntr>

Policy on Electronic Submissions

You will submit your work electronically this semester through our Canvas site. (Email and/or print copies are *not* acceptable alternatives.) As you send or upload each document, it is your responsibility to ensure that you have saved the document in a form compatible with MS Word. It is also your responsibility to ensure that the file you are sending is not corrupted or damaged. If I cannot open or read the file you have sent, the essay will be subject to a late penalty.

Policy on Course Materials

The work we do together in class—discussions, exercises, workshopping essays—is intended for the members of our class. Students are not allowed to record class and are not allowed to post video or audio recordings or transcripts of our class meetings. (Students needing course recordings as an accommodation should contact the [Accessible Education Office](#).) While samples of student work will be circulated within the course (and all work you do may be shared with your classmates), you may not share fellow students' work with others outside the course without their written permission. As the *Handbook for Students* explains, students may not “post, publish, sell, or otherwise publicly distribute course materials without the written permission of the course instructor. Such materials include, but are not limited to, the following: video or audio recordings, assignments, problem sets, examinations, other students' work, and answer keys.” Students who violate any of these expectations may be subject to disciplinary action.

Harvard College Writing Program Policy on Attendance

The Writing Program attendance policy is intended to make sure that you get everything you can out of your Expos course. Because Expos has fewer class hours than some other courses; because the course is largely discussion-based; and because instruction in Expos proceeds by sequential writing activities, your consistent attendance is essential to your learning in the course.

While I of course encourage you to be present every day in class, you are allowed two unexcused absences for the semester with no consequence. Some absences (religious holidays and medical situations) are automatically considered excused; some family circumstances may also be counted as excused absences. You are expected to notify me ahead of time about those absences unless circumstances make that impossible. If you miss a third class for unexcused reasons, I will ask you to meet with me to discuss your plan for catching up with any missed work, as well as issues that may be affecting your attendance or that might require attention or support from your advisers or from other College resources. If you miss a fourth class, your Resident Dean will be notified about those absences, so that your Dean can give you any support you may need to help you get back on track in the class. Missing four classes—the equivalent of two full weeks of the semester—puts you at risk for missing crucial material necessary to complete your work. Unless there is a medical or other emergency issue preventing consistent engagement with the class, students who miss four classes will receive a formal warning that they are eligible to be officially excluded from the course and given a failing grade.

In the case of a medical problem, you should contact me before the class to explain, but in any event within 24 hours; you should also copy your Resident Dean on that message. In the case of extended illness, you may be required to provide medical documentation. Absences because of special events or extracurricular involvement are not excused absences. If such circumstances lead you to want to miss more than two unexcused absences, you must petition the Associate Director of the Writing Program for permission.

Harvard College Writing Program Policy on Completion of Work

Because your Expos course is a planned sequence of writing, you must write all of the assigned essays to pass the course, and you must write them within the schedule of the course (not in the last few days of the semester after you have fallen behind). If you are unable to complete your work on time due to medical or family issues, please contact me before the deadline to discuss both the support you might need as well as a possible new arrangement for your deadline. Communication about your situation is essential so that we can determine how best to help you move forward. If we have not already discussed your situation and you fail to submit at least a substantial draft of an essay by the final due date in that essay unit, you will receive a letter reminding you of these requirements and asking you to meet with me and/or your Resident Dean to make a plan for catching up on your work. The letter will also specify the new date by which you must submit the late work. If you fail to submit at least a substantial draft of the essay by this new date, and if you have not documented a medical problem or been in touch with your Dean about other circumstances, you are eligible to be officially excluded from the course and given a failing grade.

Policy on Deadlines and Extensions

Expos is a course that builds sequentially: the class exercises and response papers prepare you for the draft; your work in the draft lays the foundation for a strong revision; the skills and strategies you learn in Unit 1 remain essential in the new challenges of Unit 2. Because of this sequential work, keeping up with the course deadlines is necessary to your continued learning. For this reason, I grant extensions only in exceptional circumstances.

As a first-year student, part of what you are learning is how to manage your time, to balance your academic and extracurricular responsibilities, and to build habits of working that allow you to complete long and complex assignments independently. These are challenges that every student in the class faces this semester. However, situations can arise that go beyond these typical first-year challenges. If you find yourself dealing with medical issues, family emergencies, or extraordinary situations that genuinely interfere with your work, please let me know. I won't need to know personal details, but we can meet to make a plan to help you move forward in a reasonable way in light of the circumstances you are facing. In these situations I also urge you to reach out to your Resident Dean, your proctor, or your adviser so that you have the necessary support in all of your courses.

Policy on Collaboration

As in many academic situations, our Expos class will be a setting that involves frequent collaboration--we will develop ideas together through class discussion, peer review, and draft workshops. The following kinds of collaboration are permitted in this course: developing or refining ideas in conversation with other students and through peer review of written work (including

feedback from Writing Center tutors). It is a form of academic integrity to acknowledge the impact someone had on your essay; you can do this in a footnote at the beginning of the paper. As stated in the *Student Handbook*, “Students need not acknowledge discussion with others of general approaches to the assignment or assistance with proofreading.” However, all work submitted for this course must be your own: in other words, writing response papers, drafts or revisions with other students is expressly forbidden.

Policy on Academic Integrity

One of the essential elements of the Expos curriculum is the work we do on effective source use, appropriate acknowledgement of sources, and expectations for citing sources in academic writing. In each unit, we will practice strategies for working with the ideas of other authors and sources, and for developing your own ideas in response to them. Most forms of academic writing involve building on the ideas of other writers and thinkers, contributing ideas of your own, and signaling clearly for readers where each idea comes from. This complex relationship with sources is part of our work through the whole semester, and you should always feel free to ask me questions about this material.

As we become familiar with the expectations of an academic audience, we will also work on strategies to avoid errors in citation and unintentional plagiarism. As with all your courses, the expectation in Expos is that *all the work that you submit for this course must be your own. Your work should not make use of outside sources unless such sources are explicitly part of the assignment.* Any student submitting plagiarized work is eligible to fail the course and to be subject to review by the Honor Council, including potential disciplinary action.

In addition to acknowledging how other writers have contributed to your work, doing your work with integrity means developing ideas that are wholly and genuinely yours. For this reason, students are prohibited from using ChatGPT or other generative AI tools for any stage of the writing process in Expos. The reasons for this policy in Expos are important: you discover your ideas in the messy process of drafting and revising them. Engaging with that writing process develops your ability to think clearly, organize that thinking, find appropriate evidence, pursue deeper nuances in and counterarguments to your claims and the evidence you use to present them, and work through alternative positions and evidence. To outsource any of that process to AI robs you of the practice with these skills that will strengthen your thinking; turning to AI essentially means you are giving up *your voice* in an essay, accepting instead an average and generic answer (which is what generative AI produces). In your Expos course, submitting work as yours that you did not develop or create on your own is a violation of the Harvard College Honor Code.

While the product of an Expos class may be the papers that you write, the broader goal is to strive to become better *thinkers*. The ability to participate independently in important discussions, the confidence to add your voice to challenging topics, the precision of mind to understand when a speaker is credible and should be taken seriously and when that isn’t the case—these are all skills you develop through that rigorous thinking process that writing fosters. Allowing generative AI to take the place of that thinking shortchanges your development as a writer, a thinker, and a creative participant in developing ideas. In our class, your classmates and I are eager to hear what *you* have to say.

Policy on Course Materials

The work we do together in class—discussions, exercises, workshopping essays—is intended for the members of our class. Students are not allowed to record class and are not allowed to post video or audio recordings or transcripts of our class meetings. (Students needing course recordings as an accommodation should contact the [Disability Access Office](#).) While samples of student work will be circulated within the course (and all work you do may be shared with your classmates), you may not share fellow students' work with others outside the course without their written permission. As the *Handbook for Students* explains, students may not “post, publish, sell, or otherwise publicly distribute course materials without the written permission of the course instructor. Such materials include, but are not limited to, the following: video or audio recordings, assignments, problem sets, examinations, other students' work, and answer keys.” Students who violate any of these expectations may be subject to disciplinary action.

Policy on Feedback and Conferences

Feedback is central to Expos. As spelled out in each assignment, you will receive either substantive written feedback, a conference about your draft, or both. Every writer benefits from having an attentive reader respond to their work, and one of my roles as your preceptor is to provide that response: identifying the strengths of a draft; noting questions and reactions to help you develop your ideas further; and offering clear assessment of your revised work. There are educational reasons for the types of feedback I'll give you: they complement one another throughout the writing process and help you think about receiving feedback from different audiences at different stages of writing. Each form of feedback will help you think about another way you can ask for and receive feedback in future writing circumstances. (Feedback throughout the course also comes in other forms, such as peer review or principles from workshop that you apply to your own essays.)

There are also educational reasons for the amount and timing of the feedback I as your instructor will offer. The goal of all my feedback is that you learn to incorporate the principles I'm identifying into your *own* thinking and your revision, so that eventually you are making more independent decisions in your essays about what a reader needs to understand or what the most effective structure might be. If I as your instructor were to read a draft multiple times, offering several rounds of feedback, I would then in effect be taking over some of those decisions for you, and you would not be gaining the autonomy as a writer that you need to achieve this semester; that dynamic would shortchange the learning that you can accomplish in the course. I do accept a few thoughtful questions by email about specific instances in your revision-in-progress: a follow-up question about whether a thesis is now clearer, or whether some added sentences of analysis make your explanation of evidence stronger. In those instances, you are taking the important step of identifying what in your writing and thinking is *most* in need of targeted feedback, and you are using the Elements of Academic Argument to articulate the specific question you have about something you've tried out in the paper. (When you do want additional feedback, the [Writing Center](#) is a very helpful resource. Here too, you will use that resource better when you arrive with specific and targeted questions.)

There are also important reasons that I schedule one draft conference per student for each essay in

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Units One, Two, and Three. Conferences are important opportunities for thinking together about questions in your argument and strategies for revision; during conference week I am meeting with all *thirty* students and attempting to offer the same level of intensive work with everyone. If I were to grant a second full conference to any student, for reasons of equity I would need to offer a second meeting with everyone, and it is not possible to schedule a second round of meetings in an already busy unit.

Additional Resources

Foundational Documents

[Magna Carta](#)
[Declaration of Independence](#)
[Articles of Confederation](#)
[Federalist Papers](#)
[U.S. Constitution](#)
[Bill of Rights](#)

Informative Media

[Supreme Court: Home of America's Highest Court](#)
[Conversation with Six Supreme Court Justices](#)
[Justice David Souter's Harvard's 359th Commencement Address](#)

Helpful Resources

[U.S. Supreme Court](#)
[U.S. Courts](#)

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Recommended Thinking Place

Throughout the semester, you might find yourself in need of a quiet location to reflect. Mount Auburn Cemetery, the crown jewel of the American Rural Cemetery Movement, a peaceful thirty-minute walk from Harvard Yard, is a fabulous thinking-place.



“Truths may be there felt and taught in the silence of our own meditations, more persuasive, and more enduring, than ever flowed from human lips. The grave hath a voice of eloquence.”

—Justice Joseph Story, *Address Delivered on the Dedication of the Cemetery at Mount Auburn*, 1831