

Research on the Causes of *Marginal People's* Phenomenon in the Ordinary Constitutional Jurisprudence's Classroom of College

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Abstract

To keep ruling the county by Law is premised on ruling the county by Constitution. The constitutional jurisprudence is a very important course for students who major in Law and Public Administration. However, a phenomenon appears that there are the marginal people in our ordinary constitutional jurisprudence's classroom. Through our analysis, it is found that many reasons lead to this phenomenon and the main reasons include the internal and external reason. The internal reason refers to the problems of students' cognitive and learning ability and so on; the external reason is the constitutional jurisprudence's characters, the teacher's conservative view, inactive classroom atmosphere and so on.

Keywords

College, The Ordinary Constitutional Jurisprudence's Classroom, The Marginal People, Reason

1. Introduction

Nowadays, students' various unreasonable phenomena such as sleep in class, spam, whisper, and absent-mind are just too numerous to mention in the ordinary constitutional jurisprudence's classroom of college, which not only affect their access to knowledge, but also have the adverse effect to other students learning; in addition, the teacher's teaching enthusiasm and effect in the classroom can be affected. Theoretically speaking, the course is a specialized elective one or even a specialized compulsory one for students who major in Law and Public Administration; their learning enthusiasm should be very high; the situation should not appear that students show little interest in it similar to the general compulsory courses, such as the emergence of public political courses and not strong professional curriculum class. Meanwhile, it is worth exploring for the formatting reasons of this phenomenon, which the classroom marginal people appear in the compulsory courses.

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2. The *Marginal Man's* Origin and Category

2.1. Its Origin

The origin of the concept of *marginal people* is from the concept of *stranger* was introduced in 1908 by a German sociologist *Georg Simmel*, which refer to those who live in a certain society, but do not understand the social internal mechanism and is far away the social groups. He called those as *a potential wanderer* and a homeless people. An sociologist Robert. E. Park in American followed the *Georg Simmel's* theory and further introduced the concept of *Marginal people* around the core significance of his *Stranger's* concept. It is primarily from describing the human migration and cross-culture conflict to define the *Marginal people* by Robert. E. Park, and he think that the *Marginal people* is a person who lived in the margin of two cultures and two societies, but which is never completely fertilized and come together for each other (Zhang, 2010). In his opinion, it refers a people who is in a state of intense agitation and is not adopted to environment, both eager to become a member of new groups but suffer their exclusion. So far, he has clearly roughed out the figures of *Marginal people* (Qi, 2014). Because of the learning content, teachers, the textbooks, the learning atmosphere, school's assessment and management, their own reasons, such as their interests, cognition, knowledge structure, efforts and so on, there are some individuals or even groups who failed to full participated in the process of class interaction and learning in the classroom in the ordinary constitutional jurisprudence's classroom. Their thoughts and actions remained outside the classroom, in contrast to those who took active in the class learning. So they would become the *outsiders and marginal people* in the classroom.

2.2. The *Marginal Man's* Category in the Classroom

According to students' behavior, it can be divided into *the explicit and implicit marginal people* for *the marginal man* in traditional class learning of Constitution. *The explicit marginal people* refers to some individuals or groups who do not participate in the class learning for various reasons and remained outside the classroom. And *the implicit marginal people* embodied the separation relationship of their own and the classroom in the following several aspects, the first is lack of high interest and cognizance for the ordinary constitutional jurisprudence's classroom before learning in class, the second is that they choose their seats far away from the teacher's teaching location in the learning process, the third is that there are very low or not to answer actively the questions in class and voluntarily ask the questions for their teachers. So, *the implicit marginal people* refers to becoming *the marginal people* in class in learning effect because they did not really plunge in to study, who there is no difference from other students actively participating in the class learning from their performance. For *the implicit marginal people* in contrast to *the explicit people*, their performance are mainly embodied in the following aspects the ordinary constitutional jurisprudence's classroom. Firstly, they were never absent from class, are accustomed to sitting rather far, have a vague understanding for the course, and can finish the study tasks on time. Secondly, there are a great contrast for their ability to accept the knowledge in the learning effects compare with other non-marginal students as their own limit for knowledge structure and learning ability. Thirdly, they often play a passive role in the interaction between teachers and students. These students will not get improved in answering the teacher's questions and not further study the difficult problems due to the influence of teacher's style and ability during the learning in class. Therefore, it makes them *the marginal people* as their subjective initiative, their passiveness and lag in the real action.

3. Analysis on the *Marginal People's* Formation Causes in the Classroom

According to the survey, the marginal people's formation is influenced by many factors and the main factors are the internal causes such as student's cognizance, learning ability, learning interest, effort, etc. and the external causes of teachers, the lesson's content and so on. It would try to be carried out the qualitative analysis for the formation causes of *marginal people* in the classroom based on the full-time teachers' experiences to teach the constitutional jurisprudence for long time, combing with the analysis methods and tools of the internal and external causes.

3.1. Analysis on the Internal Causes

Firstly, students' cognizance for the ordinary constitutional jurisprudence will be analyzed. Four Constitution

have been framed since the establishment of the People's Republic of China, that is, the Constitution of the People's Republic of China was framed in 1954, the Constitution of the People's Republic of China was framed in 1957, the Constitution of the People's Republic of China was framed in 1978 and the Constitution of the People's Republic of China was framed in 1982. The current Constitution was promulgated in 1982. Although it mainly states *the civil basic rights and obligations, the national institutions* which is seemingly bound to the people's daily life on the surface, yet in fact there are few occasions that the Constitution is adopted in the real livings. Therefore, the students think that it is not practical to learn the Constitution. The professional course for the constitutional jurisprudence get a lower identity in their minds compared to the other practical department of law. Moreover, there is a pernicious culture of legal education in the students' view and they think that learning the law is to remember the statute books. The course for the constitutional jurisprudence is no exception. It makes students have a preconceived negative thought for the course and think that the course is dull, bored, abstruse, useless, empty and so on. 75% of students think this course's learning in class very useful, while 41% of students are not interested in it and think its learning in class little useful before studying the constitutional jurisprudence' theories. Obviously, this wrong cognitive structure has a great influence on the development of the ordinary constitutional jurisprudence course and their study to actively participate in the course. Secondly, students' learning ability will be analyzed. On the one hand, the constitutional jurisprudence is less professional than other department laws and is much closer to the political science. After all, it is a part of the legal courses and the poor specialty does not mean there is no specialty. As it is the legal course which is required to well understand and adopt the statute books in the end, and, the constitutional jurisprudence generally includes a variety of the organic laws, *legislative law, anti-secession law* and so on and its contents can be rather numerous and complex, it is difficult for students to well learn it. On the other hand, to study the course is also considerably required for the relevant life experiences. It will lead that the gap or fault phenomenon could be existed for the student's knowledge structure, there is a serve misunderstanding for their cognition, the students' independent exploration can not catch up with the teachers' teaching in class and their performance in class show an absolute difference from the students' in the central zone if they have no experiences. The *spoon-feeding* education way of primary education is to blame for students' low spirit and passive learning. Some students tend to choose to sit in the back or the corner of the classroom and some hardly or never answer teacher's questions positively in the learning process of the ordinary constitutional jurisprudence's classroom. Moreover, they are not positively willing to participate in learning and interacting with their teachers as they think this course is dull and bored. All these lead that they are gradually marginalized from the class (Zhang, 2010).

3.2. Analysis on the External Causes

By analyzing the experience, it was found that the external causes are also varied, which influence the formation of *marginal people* in the ordinary constitutional jurisprudence's classroom. It mainly includes the course characteristics of constitutional jurisprudence and the textbook's feature, the establishment of the relevant teacher team, the teacher's teaching styles and ways, the companions' learning features, the learning environment in class and so on.

The first is the constitutional jurisprudence's characteristics and natures. First of all, the complexity and particularity of the course makes it more difficult for the class teaching and learning. It is generally considered that the course characteristics and natures of constitutional jurisprudence is theoretical, political, ideological and ethical, however, this course is both theoretical and practical. Two characteristics and natures of this course makes it high challenging for the class teaching. Secondly, the departmental system influence to learn the ordinary constitutional jurisprudence course. The arts students hope that this course can be widely taught with more discussions for the relevant cases, which the best is a major constitutional affair happening around them. While the science students prefer to the systematic learning way, in which the teacher does not deviate much from the textbook and students carefully take notes, they look forward to have an unique answer. Due to the arts and science students embodied the different learning characteristics and this learning way will be ignored in the ordinary constitutional jurisprudence's classroom, it failed to not only efficiently use the resources but also individualize student's learning by teachers. Students' enthusiasm and interest for the constitutional jurisprudence are significantly declined or diminished against a background of the school curriculum. Thirdly, the textbook's contents and words are dull. Some textbooks failed to arouse students' interests due to they are not organized well in contents, not enough vivid and concise in their words and are lack of interests. The figure shows that

51.1% of students think that the textbooks are dull and therefore never answer questions positively in class, while those who think the textbooks very interesting are remarkably active and answer the questions at least 10 times in class. Students are unable to do preview and revision well enough by means of the textbooks in the learning process due to the drawback of the textbooks, so their own learning motivation, interests and the efforts would be badly influenced. Fourthly, there is a conflict between the students' quality-oriented education and the evaluated method's examination-oriented education. The ordinary constitutional jurisprudence is different from other subjects, which is both theoretical and practical. In the colleges and universities, the evaluated method is showing a knowledge and examination-oriented tendency. It seemingly embodied a certain degree of autonomy and flexibility for the evaluated method to learn this course in colleges and universities, but in order to enhance its evaluation's standardization and its result's objectivity, it is necessary eventually to choose the test in written among the evaluated methods, such as homework, the course's papers, the open or close book examination, one-time or comprehensive evaluation. And, it can not achieve the goals to develop the students' ideological quality and moral standards in fact. Under the evaluated system, the concept that the good grades can be obtained through their cramming make students take a ignoring attitude towards the class learning.

The second is the teachers' concept of the ordinary constitutional jurisprudence are conservative. First of all, there is a contradiction between the traditional teaching ideas and methods with the student-centered learning. Under the influence of the deep-rooted concept for the traditional teaching ways, these teachers tend to adopt the one-way teaching method that teachers teach them and students study it in the teaching process. Students are positioned to be passive receivers in the process, while the teachers mostly embodied the teaching style *to teach off a blackboard and apply it mechanically* under the guidance of the traditional *spoon-feeding and cramming* teaching ways. It will lead that the class teaching is lack of interaction and students are lack of the learning subjectivity and initiative. It shows in the survey that only 2.9% of students like the teaching off a blackboard, 58.9% of students like the teaching style of humor, 62.5% of students like the passionate teaching style and 58.6% of students like tend to like the teaching style close to life. In the long term of learning, therefore, students may be biased against teachers and have a sense of lassitude towards this course, can not actively collaborate with their teachers and not participate in the teaching activity and interaction if the teaching ideas can not be moved with the times and the teaching ways remain dull and bored (Hu, 2008). Secondly, there are contradiction between the lag of teachers' professional quality and the students' forward requirements. In fact the *constitutional jurisprudence* teacher would in deed gain more favor from the students if he can solve the student's questions on the spot. And it is bound to increase further for the number of students' question in such a teacher's class. It requires, of course, that the teacher not only have a solid theory knowledge of *constitutional jurisprudence* but also have the powerful ability to follow and analyze the current affairs. Some students are very interesting in the relevant *constitutional jurisprudence's* problems. Their learning enthusiasm will be frustrated if the teacher can not timely and effectively reply it when the students positively ask difficult question to their teacher. It is significantly decreased to participate in learning this course and even they will be absent from this course. Thirdly, there are contradiction between to pay more attention on the research and to pay little attention on the instruction for the *ordinary constitutional jurisprudence* teacher. Especially in the top colleges and universities where it is becoming increasingly fierce among the teachers' competition, the research has become an important or even the only criterion. Under such pressure, teachers have to spend much time and energy to increase their competitiveness through improving their research levels, and there are energy shortage in the teaching process and they can not adjust the teaching ideas and methods. If like this, it is difficult to move with the times in the teaching process and meet the constantly changing need of contemporary college students.

The third is that the class atmosphere is not active enough. The learning environment after class has a great influence on students' learning, and the students and teachers' performance in class will affect the class atmosphere. To begin with, it is not favorable to create an atmosphere of harmonious class for the teacher's inappropriate questions in this course's class. According to the survey, most teachers don't like to ask the questions or ask the difficult and unique questions in class, and a dull and bore classroom atmosphere is often created when it happened. Under such the learning circumstances, students will not unwittingly actively ask the teachers' questions and think about the relevant questions and be consciously disengaging themselves from the class. Next, it is unfavorable to create an atmosphere of class for the students' passiveness around him. It shows in the survey that 33.3% of students may proactively put their hands up to answer the question when the class atmosphere is very active, and they will focus more on the class learning of ordinary *constitutional jurisprudence*. In contrast, 40.4% of students will suppress their learning initiative and enthusiasm under the dull learning atmosphere, and

the mind to conform will lead students gradually get away the class' central zone in such circumstance (Zhang, 2013).

4. Conclusion

To keep ruling the county by Law is premised on ruling the county by Constitution, which is the basic law to constitute other laws, and demand that any laws are not inconsistent with it. It is also an essential quality to learn the Constitution for a citizen. The phenomenon of *marginal people* should not be found in class. The cause to find the phenomenon is a basis to research its solutions. Only in this way the college can be held to cultivate the qualified college students and citizens who understand and adopt the Constitution through improving this curriculum's effectiveness.

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