

Comparative Law and Justice
Sociology 304-01/Anthropology 303-01
Rhode Island College, Spring 2012

Tuesdays and Thursdays 11:00 AM – 12:20 PM, Whipple 204B
Prerequisite: Any 100 or 200 level course in a social science

Instructor Information

Mikaila Mariel Lemonik Arthur

marthur@ric.edu (preferred)

401. 456. 8681

Office: Craig Lee Hall Room 451

Office Hours: Tuesdays and Thursdays 2-3 pm and other times by appointment.

This course uses the Blackboard Course Management System

Course Description

Globalization is a buzzword in today's society, but it is a buzzword with real consequences. We live in a world in which connections across national borders have become increasingly important to all aspects of life, from corporate outsourcing to immigration politics, from internet communications to transnational crime. This course takes globalization as a starting point for considering the comparative organization of legal and justice systems around the world. As an interdisciplinary course, it draws from anthropology, sociology, political science, and legal studies to paint a picture of the very different ways that countries make laws, govern their populations, respond to crime, and conceive of human rights. The course will provide students with a foundation in comparative analysis that enables them to understand the complexities of global legal and justice problems and to use cross-national data to better understand the legal and justice systems they will experience in their personal and professional lives.

Required Materials

Bracey. *Exploring Law and Culture*. Waveland Press. ISBN 1-57766-411-6 (List price \$14)

Friedman, Pérez-Perdomo, & Gómez, eds. *Law in Many Societies: A Reader*. Stanford Law Books. ISBN 0-8047-6374-7. (List price \$30)

Pakes. *Comparative Criminal Justice* 2nd edition. Willan Publishing. ISBN 1-84392-769-3. (List price \$40)

Additional readings will be distributed via Blackboard; students are encouraged to validate their RIC IDs at the library ASAP.

THIS SYLLABUS IS TENTATIVE AND SUBJECT TO CHANGE.

Course Requirements

1. WEEKLY REVIEW MEMOS. For the duration of this course, you will take on the role of a junior policy analyst for a country (real or imaginary) in the midst of creating a new government. Part of your job description is to read the literature on world legal systems and summarize it for your boss, an official with little time and great responsibility. Your memos will be due each week before Tuesday morning's class, in Blackboard. More details about the expectations for this assignment are available online. You will have 11 opportunities to write memos; the best 10 will be counted towards your final grade. **50% of your final course grade (5% per journal entry).**
2. FINAL ASSIGNMENT. For your final assignment, you will continue in your role as a junior policy analyst. I will provide a detailed description of an *imaginary* country, and it will be your job to analyze the government and legal system of that country using the concepts and ideas we have developed all semester. We will practice some of the skills necessary to complete this assignment in the last week of class. It will be due in Blackboard at noon on Wednesday, May 9. More details about this assignment will be distributed later in the semester. **25% of your final course grade.**
3. IN AND OUT OF CLASS ASSIGNMENTS. Throughout the semester, there will be a variety of activities and assignments used to help you develop your understanding of the course material. Examples of these include a sample citizenship quiz, check-in papers at the end of class, and group discussion assignments. When these assignments occur during class, they will not be indicated on the syllabus; those which you are expected to complete outside of class will be listed on the syllabus. You will not be able to make up any of these assignments, though there will be a single make-up assignment available for those who need it (this assignment can make up for one missed in-class or out-of-class assignment or one missed weekly memo). **15% of your final course grade.**
4. PARTICIPATION. While I do lecture during this course, I expect students to participate actively in class discussions. You should expect to contribute a question or comment or respond to something I or one of your classmates says at least once in each class meeting. Remember that in order to participate you must be present both physically and mentally and engaged in what is going on in the classroom. I understand that some students are uncomfortable speaking in class; if this sounds like you, it is your responsibility to find alternative ways to demonstrate your engagement and contributions. For example, you can visit my office hours frequently during the semester, or send me emails in which you comment on class discussion and pose further questions. Remember that there are few stupid questions, but that all questions and comments should be made in a spirit of respect for other students and their contributions to the class. **10% of your final course grade.**
5. READING. You are expected to complete all assigned course readings prior to the date for which they are assigned. Remember that this is not a course with multiple-choice memory-based exams—my goal is not for you to commit every name, date, and definition to memory but instead to develop an understanding of the *concepts*, *ideas*, and *arguments* in each reading. Remember that normal expectations for a college course are that you should do two to three hours of work outside class for every one hour in class—since you are spending three hours a week in this class, that means you should expect to work on reading, writing assignments, and studying for this class for six to nine hours a week outside of class. I do know the reading load in this course is fairly heavy, but it's this that will help you learn.

Course Schedule

All readings and assignments are due on the **first** course date for which they are assigned. Readings can be located by looking at the bold letter following each reading assignment—readings from the Bracey book are indicated with a **B**; those from the Pakes book are indicated with a **P**; those from the Friedman reader are indicated with an **F**; and those posted on Blackboard are indicated with an **O**.

Tuesday, January 24	First Day of Class
Thursday, January 26	The Comparative Method <ul style="list-style-type: none">▶ “Law’s Cultural Context” 1-12 B▶ “Introduction” & other introductory material 1-18, 67-70, 117-21 F▶ “Conducting Comparative Criminological Research” 12-25 P▶ Anthropology Majors & Minors Read: “History & Method” 13-29 B▶ Be sure to have read the entire syllabus prior to today’s class▶ Getting to Know You survey due in Blackboard by Friday the 27th
Tuesday, January 31	US Legal System/Geography Review <ul style="list-style-type: none">▶ Burnham, “History and Governmental Structure,” <i>Introduction to the Law and Legal System of the United States</i> 1-36 O▶ Friedman, “American Law,” <i>Law in America</i> 161-84 O▶ US Constitution, http://www.usconstitution.net/const.html▶ US Law Quiz due in Blackboard before class today▶ Come to class with at least 1 question about the U.S. legal system
Thursday, February 2	Globalization <ul style="list-style-type: none">▶ “Making Sense of Local & Global Criminal Justice Arrangements” 1-11 P▶ “Law and Globalization” 263-67 F▶ “Erewhon: The Coming Global Legal Order” 308-16 F
Tuesday, February 7 Thursday, February 9	Legal Systems Around the World <ul style="list-style-type: none">▶ Chapters on families of law, 30-78 B▶ “Legal Traditions” 98-145 O Bring your book—and, if possible, a printed or electronic copy of the “Legal Traditions” chapter—to class
Tuesday, February 14 Thursday, February 16	Crime and the Global World <ul style="list-style-type: none">▶ “Comparing Crime” 26-39 P▶ Greenwald, “Drug Decriminalization in Portugal,” Cato Institute 1-30 O▶ Gettleman, “Taken by Pirates,” <i>New York Times Magazine</i> O▶ Samuels, “The Pink Panthers,” <i>The New Yorker</i> 42-61 O▶ Di Justo, “Crime, Organized,” <i>Wired</i> O

Tuesday, February 21
Thursday, February 23

The State

- ▶ Mann, “The Autonomous Power of the State,” *States War Capitalism* **O**
- ▶ Gottlieb, “Win or Lose,” *The New Yorker* 07/26/20, 73-77 **O**
- ▶ Horowitz, “Electoral Systems,” *Journal of Democracy* 14:4, 115-127 **O**
- ▶ Weaver, “Electoral Rules,” *Journal of Democracy* 13:2, 111-125 **O**

Tuesday, February 28
Thursday, March 1

Law Enforcement

- ▶ “Policing through a Comparative Lens” 40-62 **P**
- ▶ Varghese, “Police Structure,” SSRN Working Papers Series 1-12 **O**
- ▶ Kulish, “Germany’s Anti-Chaos Crusaders,” *NYT Magazine* **O**
- ▶ Hessler, “All Due Respect,” *The New Yorker*, 50-59 **O**

Tuesday, March 6
Thursday, March 8

Courts, Part I

- ▶ “Prosecution and Pre-Trial Justice” 63-85 **P**
- ▶ Kadri, “From Eden to Ordeals,” Pp. 3-38 in *The Trial* **O**
- ▶ Bahrapour, “The Caning of Michael Fay,” *American University Journal of International Law & Policy* 10, 1075-1108 **O**
- ▶ “Plea Bargaining and Plea Negotiation in England” 102-16 **F**
- ▶ “Litigation and Dispute Resolution” 171-77 **F**
- ▶ “The Benevolent Paternalism of Japanese Criminal Justice” 84-103 **F**

Tuesday, March 13
Thursday, March 15

Spring Break—No Class

Tuesday, March 20
Thursday, March 22

Courts, Part II

- ▶ “Systems of Trial” 86-103 **P**
- ▶ “Judicial Decision-Makers” 104-22 **P**
- ▶ Keefe, “Reversal of Fortune,” *The New Yorker*, 38-49 **O**
- ▶ “The Internal Control of a Bureaucratic Judiciary” 19-26 **F**
- ▶ “Advocating Democracy” 45-55 **F**
- ▶ “Legal Education in Late 20th-Century Latin America” 56-66 **F**
- ▶ “Judicial Reform in Mexico” 229-34 **F**

Tuesday, March 27
Thursday, March 29

Punishment

- ▶ Foucault, “The Body of the Condemned,” *Discipline & Punish* 3-31 **O**
 - ▶ “Punishment” 123-47 **P**
 - ▶ Lewis, “Behind Bars...Sort Of,” *NYT Magazine* 6/14/09 **O**
 - ▶ “Harsh Justice” 71-83 **F**
 - ▶ Mauer, “Comparative International Rates of Incarceration,” *The Sentencing Project*, 1-16 **O**
 - ▶ Miethe, “Issues in the Sociology of Punishments,” *Punishment* , 194-216 **O**
- The deadline for withdrawing from this course is **March 30***

Tuesday, April 3
Thursday, April 5

Family Law

- ▶ Htun & Weldon, “Sex Equality in Family Law,” **O**
- ▶ Estin, “Unofficial Family Law,” *Iowa Law Review* **O**
- ▶ Rashad, “Marriage in the Arab World,” Population Reference Bureau **O**

Tuesday, April 10
Thursday, April 12

Human Rights

- ▶ Arendt, “The Perplexities of the Rights of Man,” *The Origins of Totalitarianism* 290-302 **O**
- ▶ “Immigration, Law, and Marginalization in a Global Economy” 268-81 **F**
- ▶ Nickel, “Human Rights,” *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/rights-human/> **O**
- ▶ Weale, “Between the Highest and the Attainable? Reflections on the Right to Health,” *Essex Human Rights Review* 5:1, 1-4 **O**

Tuesday, April 17

International Issues in Justice

- ▶ Schabas, “Creation of the Court,” *An Introduction to the International Criminal Court* 1-20 **O**
- ▶ “International Policing” 148-63 **P**
- ▶ “International Criminal Justice” 164-81 **P**
- ▶ United Nations Universal Declaration of Human Rights <http://www.un.org/en/documents/udhr/> **O**
- ▶ “From Cold War Instrument to Supreme European Court” 300-7 **F**
Please bring a printed or electronic copy of the UN Declaration

Thursday, April 19

The Meaning of Legal Culture

- ▶ “Concluding Comments” 182-5 **P**
- ▶ “The Legal Cultures of Europe” 132-42 **F**
- ▶ Nelkin, “Using the Concept of Legal Culture,” *Legal Theory & the Social Sciences* 279-303 **O**
Please bring all readings to class

Tuesday, April 24
Thursday, April 26

Law, Justice, and Culture Around the Globe

- ▶ “Law as a Tool of Acculturation and Domination” 85-96 **B**
- ▶ “Cultural Pluralism and the Cultural Defense” 97-109 **B**
- ▶ Beah, “The Making, and Unmaking, of a Child Soldier,” *NYT Magazine* 01/14/2007 **O**
- ▶ White, “Defining the Intolerable,” *Childhood* 6:1, 133-44 **O**
- ▶ “Globalization and the Decline of Legal Consciousness” 292-99 **F**

Tuesday, May 1

Make-Up Day/Final Assignment Review

Bring completed review sheet and questions

Thursday, May 3

Course Conclusion

Make-up assignment due

Final Assignment Due by Noon, Wednesday, May 9

Course Policies

Academic Honesty

All students enrolling in this course are expected to abide by the Rhode Island College guidelines on academic honesty. More information about academic integrity and avoiding plagiarism, as well as RIC policies, can be found at <http://ric.libguides.com/integrity>. Examples of academic dishonesty include, but are not limited to:

- Plagiarizing written work, including copying some or all of your work from a book, a website, or another student's paper. Think about how you would feel if someone passed off your hard work as their own.
- Using sources without proper attribution. Remember that all claims that did not spring fully formed from your own head need attribution, regardless of whether or not they are paraphrased, and all direct quotes should appear in quotation marks. If you are unsure how to document sources, please see me or reference the RIC Sociology Term Paper Guide at <http://www.ric.edu/sociology/termpaperguide.php>.
- Turning in work completed for other classes without prior permission.
- Working together with another student on an assignment, or seeking assistance with the content of your work from professionals, parents, or peers, without prior permission. (The exception to this policy is proofreading.)
- Copying off of another student or off of materials you have brought without permission during an exam. This includes text messaging and use of the internet during exams.
- Destroying course materials or otherwise preventing other students from achieving fully in this course.

You should be aware that I have caught many students who have engaged in academic dishonesty. Cheating successfully is often harder than you think, and you might as well put your effort into doing the assignment legitimately. The penalties for academic dishonesty are severe, and include receiving a 0 on the assignment for the first minor offense, receiving an F for the class for a repeated offense, and report to the Vice President for Academic Affairs at RIC. If you feel the urge to engage in academic dishonesty, stop and think about what you are doing, and then come see me so we can work out a plan together to ensure your success in the course.

Extensions, Absences, and Attendance

You are expected to attend class regularly, but I am aware that emergencies do come up and that this class is not the only priority in your life. It is your responsibility to get notes from a classmate (I do not provide notes to students) and to meet with me to clarify what you have missed. If you must be late to a class or if you must leave early, you should try to let me know in advance, and you should always be sure not to disturb other students with your comings and goings. Be aware that repeated absences, even if excused, may imperil your ability to do well in the course, and that you cannot earn participation points (or points for in-class assignments, which cannot be made up) if you are not present.

All assignments are due in Blackboard and must be submitted at least 15 minute prior to the start of class (you may not skip class to finish your work). Assignments that are not posted directly to a Blackboard application must be saved in *.rtf, *.doc, *.docx (preferred), *.pdf, or *.html format (try "Save As" to select one of these formats). Blackboard does log your submissions; you can return to an assignment yourself to see if you have submitted it correctly, and I am happy to show you how to do this so that you will not need to email me to see if I have received your work. If unavoidable circumstances require you to seek an extension on your work, I am generally open to providing one. However, you will need to request the

extension via email at least 24 hours prior to the due date unless the extension is due to a major emergency (health crisis, death in the family, etc.)—so plan ahead.

Course Technology

Students are expected to check their RIC email addresses and the course Blackboard site frequently, at a minimum twice a week before each class meeting. If you primarily use another email account, I would suggest you arrange for your RIC email to be forwarded, as I do use email to disseminate important information about the course. Students are also responsible for being able to access the Blackboard site for this course. If you are not able to access email or Blackboard, you should seek assistance from User Support Services (<http://www.ric.edu/uss/> or 456-8803) right away so that you do not fall behind in the course.

Students with Disabilities

If you have a disability that might interfere with your ability to perform at your best in this course, it is your responsibility to come and speak with me as early as possible in the semester so that we can develop a plan together. All reasonable accommodations will be made. Students with disabilities should be sure that they are registered with Disability Services in order to ensure access to the full range of services available at Rhode Island College. Information about these services and about registration is available at <http://www.ric.edu/disabilityservices/>.

Supplemental Services

Writing Center: <http://www.ric.edu/writingcenter/>

OASIS (academic support, time management, ESL, etc.): <http://www.ric.edu/oasis>

Counseling Center (confidential & free services): <http://www.ric.edu/counselingctr/>

Course Learning Outcomes

This course is designed to meet these learning outcomes of the Sociology, Justice Studies, Anthropology, and International Business programs:

- ▶ To sensitize students to national differences in criminal justice systems.
- ▶ To introduce students to comparative perspectives on justice systems.
- ▶ To orient students toward a systematic perspective of the criminal justice system.
- ▶ To develop a citizenry educated in the problems of crime and in the administration of justice.
- ▶ To develop understanding of the causes of crime and societal responses to it.
- ▶ To advance knowledge about the design, evolution, operation, and maintenance of justice system.
- ▶ To provide an up-to-date understanding of law, human behavior, and social institutions.
- ▶ An ability to apply sociological perspectives to interpersonal and intergroup relations
- ▶ Develop an awareness of the multiple factors leading to similarities and differences across human populations, along with substantive knowledge of relevant data.
- ▶ Students will understand the legal and ethical framework of management.

For more information on program goals, see <http://www.ric.edu/sociology/degreeList.php>, <http://www.ric.edu/sociology/programJSTD.php>, <http://www.ric.edu/managementMarketing/goals.php> or <http://www.ric.edu/anthropology/goals.php>