

Comparative Law and Justice
Sociology 304-01/Anthropology 303-01
Rhode Island College, Spring 2010

Tuesdays and Thursdays 2:00-3:20 pm, Craig-Lee Hall 152
Prerequisite: Any 100 or 200 level course in a social science

Instructor Information

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Office Hours: Tuesdays and Thursdays 10:15-10:45 am and 4:15-4:45 pm

Course website: <http://www.ric.edu/faculty/marthur/classes.html>

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. On a more applied note, the course will enable students to develop their skills in research, writing, and electronic publishing through a semester-long project requiring students to gather data on a specific country and create a wiki page about it.

Required Materials

Reichel. *Comparative Criminal Justice Systems*, 5th edition. Pearson. ISBN 0-13-239254-2 (List price \$75; available for less online)

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

Additional readings will be distributed electronically or via e-reserves; students are encouraged to validate their RIC IDs at the library ASAP. Also note that coursework in this class will require use of the Internet; if you do not have a computer with Internet access at home, please build time to use the computer labs on campus into your schedule.

THIS SYLLABUS IS TENTATIVE AND SUBJECT TO CHANGE.

Course Requirements

1. COUNTRY WIKI PAGE. Each student will be responsible for selecting a country for which they will complete a wiki page (each country will be covered by only one student). This wiki will be updated weekly with information about the country that is relevant to that week's discussions. A list of questions and resources to use in developing the Wiki will be provided, along with more detailed guidelines and a grading rubric, early in the semester, but students should begin thinking about what country to choose now. If you can read a language other than English, do consider choosing a country that uses that language. The wiki grade will incorporate *both* evaluation of weekly updates *and* the final product at the end of the semester. **40% of your course grade.**
2. IN & OUT OF CLASS ASSIGNMENTS. Over the course of the semester, we will complete a variety of in and out of class assignments. Some of these assignments will be completed in class in groups; others, including frequent short quizzes on the reading and class sessions, will be completed in the Blackboard course management system; it is your responsibility to check there to see when assignments are due. The grading for this component of the course is set up to allow you to miss some assignments without penalty, but if you miss more than four class sessions and/or two weeks of Blackboard assignments you should expect to see this reflected in your grade. **25% of your final grade.**
3. FINAL COURSE PAPER. In lieu of a final exam, all students will write an individual term paper that is 6-8 pages in length. Detailed guidelines and a grading rubric for this paper will be distributed later in the semester, but the paper will be expected to address an issue in comparative law and justice by drawing on course readings, the country wikis developed by your classmates, and other resources as necessary. **25% of your final grade.**
4. PARTICIPATION AND ATTENDANCE. You are expected to come on time for every class meeting and let me know as soon as possible (preferably in advance) if you must miss class for a legitimate reason. Frequent absences will result in a lower grade. Part of your attendance is the expectation that you will participate in class sessions by contributing something to our discussions—in particular, you are expected to come to class prepared to speak about each week's topic in your wiki country. If you have significant problems speaking in class, I strongly urge you to come speak to me privately as soon as possible to develop alternative participation mechanisms (such as private meetings or e-mail discussions) so that you can meet this requirement. 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 course grade.**
5. READING. You are expected to complete all assigned course readings prior to the date for which they are assigned. 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. Reading assignment will generally be kept under 100 pages per week to allow time for the higher than usual expectations for outside research in this course. While reading does not count for a separate percentage of your grade, students who do not complete the reading will find that they are not able to earn high grades in other components of the course. *NOTE: when reading assigned articles from Law Reviews, be sure to read the footnotes at the end of the document, as they often contain essential parts of the articles' arguments.*

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 Reichel book are indicated with an **R**; and those posted on the course website are indicated with an **O**.

- Tuesday, January 26 **First Day of Class**
- Thursday, January 28 **Studying Comparative Law and Justice**
- ▶ “Law’s Cultural Context” 1-12 **B**
 - ▶ “An International Perspective” 1-27 **R**
 - ▶ *For Anthropology Students*: “History & Method” 13-29 **B**
- Tuesday, February 2 **Globalization**
- ▶ Smith & Doyle, “Globalization,” available online at <http://www.infed.org/biblio/globalization.htm>
 - ▶ Be sure to have read the entire syllabus prior to today’s class
- Thursday, February 4 **The U.S. Legal System & Geography Review**
- ▶ “The U.S. Legal System” 79-84 **B**
 - ▶ “An American Perspective on Criminal Law” 67-97 **B**
 - ▶ The United States Constitution, <http://www.usconstitution.net/const.html>
- Tuesday, February 9
Thursday, February 11 **Introduction to the Wiki System**
- This week’s classes will meet in the computer lab, Gaige 165.*
- ▶ Go to <http://en.wikiversity.org/> and create an account
 - ▶ Skim through the following Wiki help sites:
http://en.wikipedia.org/wiki/Wikipedia:Manual_of_Style
<http://en.wikipedia.org/wiki/Wikipedia:Cheatsheet>
<http://en.wikiversity.org/wiki/Help:Editing>
http://en.wikipedia.org/wiki/Wikipedia:Citing_sources
- Tuesday, February 16
Thursday, February 18 **Legal Traditions Around the World**
- ▶ “Typology,” “Western Law,” “Religious Law,” & “Traditional or Customary Law” 30-78 **B**
 - ▶ “Legal Traditions” 98-145 **R**
- Tuesday, February 23
Thursday, February 25 **Crime and the Global World**
- ▶ “Domestic Crime, Transnational Crime, and Justice” 28-66 **R**
 - ▶ Greenwald, “Drug Decriminalization in Portugal,” Cato Institute 1-30 **O**
 - ▶ Raffaele, “The Pirate Hunters,” *Smithsonian Magazine* **O**

Tuesday, March 2
Thursday, March 4

The State

- ▶ Horowitz, “Electoral Systems,” *Journal of Democracy* 14:4, 115-127 **O**
- ▶ Weaver, “Electoral Rules,” *Journal of Democracy* 13:2, 111-125 **O**
- ▶ Botsford, “A Libertarian Defense of Monarchy,” Political Note 135 from the Libertarian Alliance **O**
- ▶ Herz, “The Rise and Demise of the Territorial State,” *World Politics* 9:4, 473-93 **O**

Tuesday, March 9
Thursday, March 11

Basic Formations of the Legal System

- ▶ “Substantive Law and Procedural Law” 146-190 **R**
- ▶ Section on Japanese Criminal Law 382-387 **R**
- ▶ Kadri, “From Eden to Ordeals,” Pp. 3-38 in *The Trial* **O**
- ▶ Bahrampour, “The Caning of Michael Fay,” *American University Journal of International Law & Policy* 10, 1075-1108 **O**



Tuesday, March 23
Thursday, March 25

Law Enforcement

- ▶ “An International Perspective on Policing” 191-234 **R**
- ▶ Section on Japanese Police 387-393 **R**

Tuesday, March 30

Passover—No Class Meeting

Thursday, April 1
Tuesday, April 6

Courts

- ▶ “An International Perspective on Courts” 235-288 **R**
 - ▶ Section on Japanese Courts 393-409 **R**
- ***Deadline for Withdrawing from the Course: **April 2**

Thursday, April 8
Tuesday, April 13

Punishment

- ▶ “An International Perspective on Corrections” 289-338 **R**
- ▶ Section on Japanese Corrections 409-414 **R**
- ▶ Lewis, “Behind Bars...Sort Of,” *NYT Magazine* 6/14/09 **O**
- ▶ Foucault, “The Body of the Condemned,” Pp. 3-31 in *Discipline and Punish* **O**

Thursday, April 15
Tuesday, April 20

Family Law

- ▶ Pollack, “Classical Religious Perspectives of Adoption Law,” *Notre Dame Law Review* 79, 693-753 **O**
- ▶ Weisbrod, “A Comment on Women’s Human Rights and Religious Marriage Contracts,” *Southern California Review of Law & Women’s Studies* 9, 77-97 **O**

Thursday, April 22
Tuesday, April 27

Human Rights

- ▶ United Nations Universal Declaration of Human Rights
<http://www.un.org/en/documents/udhr/> ○
- ▶ Arendt, “The Perplexities of the Rights of Man,” *The Origins of Totalitarianism* 290-302 ○
- ▶ Branch, “International Justice, Local Injustice,” *Dissent* 51:3, 22-26 ○
- ▶ Schabas, “Creation of the Court,” *An Introduction to the International Criminal Court* 1-20 ○

Thursday, April 29
Tuesday, May 4

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 ○
- ▶ White, “Defining the Intolerable,” *Childhood* 6:1, 133-44 ○
- ▶ Finalized Wikis due **April 30**

Thursday, May 6

Course Conclusion

**Final Course Papers Due in my Mailbox in the Sociology Department
No Later than Noon on Thursday, May 13th.**

Papers left anywhere besides my mailbox may not be received and graded in time.
Seniors must submit their papers by Tuesday, May 11th at 3:30 pm if they wish to have grades submitted in time to be processed for graduation.

Course Policies

Academic Honesty

All students enrolling in this course are expected to abide by the Rhode Island College guidelines on academic honesty, which can be located in the Student Handbook and other official documents. 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 in a paper 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 Sociology Department Term Paper Guide, available 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 just 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. If you know in advance that you will be absent for a legitimate reason, please let me know via email so that you can be excused. If something unavoidable comes up, it is your responsibility to let me know as soon as possible afterwards. Regardless, 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 class at the start of class. While I understand that you may occasionally experience printer problems, these are not an excuse for late work. It is my preference that all work be turned in on paper, but in unavoidable situations you may email me your work. If you must email me your work, it must be sent at least 15 minute prior to the start of class (you may not skip class to finish your work) in *.rtf, *.doc, *.docx, *.pdf, or *.html format (try “Save As” to select one of these formats). I will write back to you letting you know that I received and could open your work. If I do not receive it or cannot open it, it does not count as having been submitted, so I encourage you to try your best to get me a paper copy. 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 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 course website for this course, as course documents and information will be made available there, and for being able to access and use the course Wiki. If you are not able to access email, WebCT, or the course website, 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/>