

Comparative Law and Justice
Sociology 333-01/Anthropology 333-01
Rhode Island College, Spring 2017

Tuesdays and Thursdays 10:00-11:50 AM, Clarke Science 210
Prerequisite: Any 100- or 200-level course in a social science

Instructor Information

Mikaila Mariel Lemonik Arthur

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Office: Craig Lee Hall Room 451

Drop-in Availability: Wednesdays 3-4:30 pm most weeks; Thursdays immediately after class and 2-3 pm

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, Dorothy H. 2005. *Exploring Law and Culture*. Long Grove, IL: Waveland Press. ISBN 1-57766-411-6. (List price \$14)

The majority of course readings will be distributed via Blackboard; students are encouraged to validate their RIC IDs at the library as soon as possible.

THIS SYLLABUS IS TENTATIVE AND SUBJECT TO CHANGE.

Course Requirements

This course incorporates a variety of ways for you to demonstrate your engagement, learning, and competency regarding the course material. You will have some flexibility in choosing how and where to deploy your efforts. If you were to successfully complete all possible course assignments, you could earn 110+ points (the cutoff for an A grade is roughly 95 points). Because there are so many opportunities to earn points, most assignments cannot be made up or turned in late. If you experience an unusual or extraordinary circumstance, such as hospitalization, that requires an alternative plan for completing your work, please contact me as soon as possible to discuss this.

1. WEEKLY POLICY MEMOS. For the duration of this course, you will take on the role of a junior policy analyst for a country 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 are due prior to class meetings, as they are designed to focus on the readings and help you prepare for our in-class work. More details about the expectations for this assignment are available in Blackboard. These assignments will not be accepted late. You will have 10 opportunities to write and/or revise memos. **5 points each.**
2. FINAL EXAM. There will be a cumulative final exam at the conclusion of the course. It will focus on your ability to identify elements of governmental and legal systems, drawing on the concepts and ideas developed throughout the course. This exam will be in-class and open-book. Arrangements for this exam are subject to change. **25 points.** Note: the final is NOT optional; students who do not complete the final on time will receive an incomplete in the course until they make arrangements to complete a make-up exam.
3. INDIVIDUAL/GROUP ASSIGNMENTS. There will be several Blackboard and in-class assignments due during the course, including anonymous surveys, quizzes, in-class individual writing assignments, group activities, and peer review of writing. Due dates for out-of-class assignments are indicated on the course schedule below and generally will not be accepted late. In-class assignments and activities may not be announced in advance and cannot be made up. (Additional assignments may be added, but this provides only more opportunities to earn points.) **1-5 points each.**
4. ATTENDANCE & PARTICIPATION. While I do lecture during this course, I expect students to participate actively in class discussions and group activities. At least once during each class meeting, you should expect to contribute a question or comment or respond to something one of your classmates or I say. 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 very few stupid questions and that all questions and comments should be made in a spirit of respect for other students and their contributions to the class. *Participation will be assessed, in part, using a participation log students are responsible for filling out regularly and submitting twice during the semester.* **15 points**
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 hours of work outside class for every one hour in class—since you are spending four hours a week in this class, that means you should expect to work on reading, writing assignments, and studying for this class for eight or so hours per week outside of class. While some of the reading assignments are complex, the average reading load is under 100 pages per week. *You are also strongly encouraged to stay up-to-date on global current events and news*—resources for doing so, including web news and podcast sources, are available in Blackboard.

Course Schedule

All readings and assignments are due on the **first** course date for which they are assigned. The majority of readings are available in Blackboard, those by **Bracey** are in the required Bracey text.

- Tuesday, January 17 **First Day of Class**
 Read entire syllabus
- Thursday, January 19 **Introduction to Legal Culture**
 Nelken, "Why Compare?" pp. 11-24 in *Comparative Criminal Justice*
 Bracey, "Law's Cultural Context," 1-12
 For anthropology majors/ minors: Bracey, "History and Method," 13-28
 Getting to Know You survey due in Blackboard by **Friday the 20th**
 US Law Quiz due in Blackboard by Noon on January 23 (if you haven't studied the U.S. legal system recently, be sure to complete the reading before you attempt the quiz)
- Tuesday, January 24 **US Legal System Review**
 Burnham, "History and Governmental Structure," *Introduction to the Law and Legal System of the United States* 1-36
 Friedman, "American Law," *Law in America* 161-84
 US Constitution, <http://www.usconstitution.net/const.html>
 Bracey, "The U.S. Legal System," 79-84
- Thursday, January 26
Tuesday, January 31 **World Legal Systems**
 "Legal Traditions" 98-145 (bring printed/electronic copy to class)
 Bracey, pp. 29-78 on world legal systems (bring to class)
 First memo due by 9:30 am Tuesday, January 31
January 30 is the Add/Drop deadline
- Thursday, February 2 **Introduction to State Systems**
 Mann, "The Autonomous Power of the State," *States War Capitalism*
- Tuesday, February 7
Thursday, February 9 **The State & Elections**
 Gottlieb, "Win or Lose," *The New Yorker* 07/26/2010, 73-77
 Horowitz, "Electoral Systems," *Journal of Democracy* 14:4, 115-127
 Weaver, "Electoral Rules," *Journal of Democracy* 13:2, 111-125
 Memo due by 9:30 am on February 7 in Blackboard—*bring a printed copy to class on Tuesday*; revision due by **noon, Friday, Feb. 10**
- Tuesday, February 14
Thursday, February 16 **Crime and the Global World**
 Greenwald, "Drug Decriminalization in Portugal," *Cato Inst.* 1-30
 Samuels, "The Pink Panthers," *The New Yorker* 42-61
 Howard, "Theory, Method, and Data in Comparative Criminology," pp. 141-164 and 172-187 *only*
 Memo due by 9:30 am Tuesday the 14th

Tuesday, February 21
Thursday, February 23

Law Enforcement

- Varghese, "Police Structure," SSRN Working Papers Series
- Yarwood, "The Geographies of Policing," *Progress in Human Geog.*
- Baker, "U.S. Police Officers, Visiting Scotland..." *New York Times*
- Deflem, "International Police Cooperation," *Encyc. of Criminology*
- Memo due by 9:30 am Tuesday the 21st in Blackboard—bring a printed copy to class on Tuesday; revision due by noon on **Friday, Feb. 24th**

Tuesday, February 28

Dispute Resolution in Historical Context

- Submit participation log by noon on Monday, February 27
 - Kadri, "From Eden to Ordeals," pp. 3-38 in *The Trial*
 - Hadfield, *Rules for a Flat World*, selections (pp. 19-25, 40-57, and 300-307)
- Note: there will be no memo this week, but the readings will be essential for the midterm quiz.*

Thursday, March 2

Catch-Up Day & Midterm Quiz

- Be sure to bring notes and readings!

Tuesday, March 7
Thursday, March 9

No Class—Spring Break

Tuesday, March 14
Thursday, March 16

Courts, Trials, and Disputes

- Luna, "A Place for Comparative Criminal Procedure," *Brandeis Law Journal* 42, 277-327
- Bahrapour, "The Caning of Michael Fay," *American University Journal of International Law & Policy* 10, 1075-1108
- Ramseyer & Rasmusen, "Comparative Litigation Rates," 1-25 *only*
- Memo due by 9:30 am on Tuesday the 14th in Blackboard

Tuesday, March 21
Thursday, March 23

Punishment

- Foucault, "The Body of the Condemned," *Discipline & Punish* 3-31
 - Cottino, "Crime Prevention and Control," *IRRC* 289-301
 - Kesteren, "Public Attitudes and Sentencing Policies Across the World," *European Journal on Criminal Policy and Research* 15(1-2): 25-46
 - Benko, "The Radical Humaneness of Norway's Halden Prison," *NYT Magazine* 03/26/2015
 - Memo due by 9:30 am Tuesday, March 21
- The deadline for withdrawing from this course is March 24*

Tuesday, March 28
Thursday, March 30

Family Law

- Htun & Weldon, "A Comparative Analysis of Family Law," *Indiana Journal of Global Legal Studies* 18(1): 145-65
- Perelli-Harris & Gassen, "Legal Approaches to Cohabitation," *Population and Development Review* 38(3):435-67
- Estin, "Unofficial Family Law," *Iowa Law Review* 94(2): 449-80
- Memo due by 9:30 am Tuesday, March 28

Tuesday, April 4
Thursday, April 6

Human Rights

- Arendt, "The Perplexities of the Rights of Man," *The Origins of Totalitarianism* 290-302
- Nickel, "Human Rights," *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/rights-human/>
- Davies, "Reproductive Health as a Human Right," *J of Human Rights*
- United Nations Declaration of Human Rights <http://www.un.org/en/universal-declaration-human-rights/>
- Memo due by 9:30 am Tuesday, April 4

Tuesday, April 11
Thursday, April 13

Globalization & Justice Institutions

*Tuesday's class will be **online** due to the Passover holiday; no memo this week*

- Watch globalization video in Blackboard
- Watch "Inside the International Criminal Court" video, parts 1-5, on Blackboard
- Scheuerman, "Globalization," *Stanford Encyclopedia of Philosophy* <http://plato.stanford.edu/entries/globalization/>
- Michaels, "Globalization and Law: Law Beyond the State," *Law and Social Theory* pp. 287-303
- Schmidle, "Disarming Victor Bout," *The New Yorker* 03/05/12, 55-65
- Keefe, "Reversal of Fortune," *The New Yorker*, 38-49
- Complete globalization assignment by 9:30 am Thursday, April 13

Tuesday, April 18
Thursday, April 20

Returning to Legal Culture

- Nelken, "Using the Concept of Legal Culture," *Legal Theory & the Social Sciences* 279-303
- Beah, "The Making, and Unmaking, of a Child Soldier," *NYT* 1/07
- White, "Defining the Intolerable," *Childhood* 6:1, 133-44
- Bracey, "Law as a Tool of Acculturation and Domination," 85-96
- Bracey, "Cultural Pluralism and the Cultural Defense," 97-108
- OPTIONAL: watch the Ishmael Beah lecture on Blackboard
- Memo due by 9:30 am Tuesday, April 18th

Tuesday, April 25

Exam Review

- Bring completed review sheet and questions
- Revised memo due by 9:30 am **Wednesday**, April 26

Thursday, April 27

Last Class Meeting

- Bracey, "Epilogue," 109-110
- Zimring, "The Necessity and Value of Transnational Comparative Study," *Criminology & Public Policy* 5:4, 615-22
- Nelken, "Comparative Criminal Justice," *European Journal of Criminology* 6:4, 291-311

Week of May 1

Final Assignments

- Submit participation log by noon on Friday, April 28
- Final Exam arrangements TBA

Course Policies

Academic Honesty

All students enrolling in this course are expected to abide at 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 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 or use of OASIS/writing center services.)
- 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.

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. 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.

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, 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 by the specific time noted in the Blackboard system (you may not skip class to finish your work). Memo assignments, will require posting directly to a Blackboard application; others Blackboard assignments will be set up using the quiz app. 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 before the due date unless there is 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 and 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. You may wish to consider downloading the Blackboard Mobile App. 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, Global Studies, 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.
- Understand the historical context and development of a global system.
- Understand the dynamics of a global system.
- Understand the relationship a specific global system has to the emergence of the contemporary globalizing world.
- Continue to develop a capacity for clear and precise writing.

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