

**Comparative Law and Justice**  
Sociology 304-01/Anthropology 303-01  
Rhode Island College, Fall 2011

Mondays 4:00-6:50 PM, Craig-Lee Hall 051

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

Office Hours: Mondays and Tuesdays 2:30-3:30 pm; immediately after class meetings on Mondays by appointment, 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. On a more applied note, the course will enable students to develop their skills in research, group writing, and electronic publishing through a semester-long project.

**Required Materials**

Bracey. *Exploring Law and Culture*. Waveland Press. ISBN 1-57766-411-6 (List price \$14.95)

Friedman, Pérez-Perdomo, & Gómez, eds. *Law in Many Societies: A Reader*. Stanford Law Books. ISBN 0-8047-6374-7. (List price \$29.95)

Pakes. *Comparative Criminal Justice* **2<sup>nd</sup> edition**. Willan Publishing. ISBN 1-84392-769-3. (List price \$35.95)

Additional readings will be distributed via Blackboard; 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. **DISCUSSION BOARD.** Throughout the semester, you will be required to participate in a discussion board on the course Blackboard site. You will be required to make approximately 5 discussion board posts per month for a total of 16 blog posts for the entire semester. These posts will enable you to grapple more deeply with issues we discuss in class, share your thoughts and questions regarding the reading, and practice the skills required for the larger class assignments. In general, students will have choices about topics to address, but a few posts will be mandatory. Students will be placed in small groups to enable interaction and discussion, but grades will be assigned individually. Detailed criteria for this assignment, including grading guidelines and response topics, are available in Blackboard. **25% of your course grade.**
2. **MIDTERM EXAM.** There will be a take-home essay-style midterm examination designed to help you gauge your process in developing the comparative and analytical skills required in this course. You will have some choice of topics to focus on in the exam, which will be completed individually. **20% of your final grade.**
3. **FINAL GROUP PROJECT.** As a class, we will choose a specific topic in comparative law and justice to focus on as a course project, which we will create using the Wiki tool in Blackboard. Students will be placed in groups of roughly 5 students to work on individual sections of the project. During the final exam period, students will also complete an assessment of their own and their group members' work on the project as well as write a short reflection and policy memo informed by the entire class's work. Grades on this assignment will be informed by the quality of the group's submission, Blackboard's records of each individual's contribution, and the individual assignments due during the final exam period. Detailed criteria for this project will be distributed early in the semester. **35% of your final grade.**
4. **PARTICIPATION.** Your participation grade will take into account your regular presence in class, contribution to class discussions (in person and in Blackboard), and your involvement in group activities in class. 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. 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. Note that in order to earn a "passing" participation grade, students must **BOTH** be regularly present in class **AND** regularly comment on and engage with other students' Blackboard posts. Detailed guidelines on Blackboard discussions are available in Blackboard. **20% 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 assignments **average** approximately 90 pages per week. 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 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**.

- August 29                                   **First Day of Class**  
▶ Student survey due in Blackboard by **January 28**
- September 5                               **Labor Day—No Class Meeting**
- September 12                           **The Comparative Method/Globalization**  
▶ “Law’s Cultural Context” 1-12 **B**  
▶ “Introduction” & other introductory material 1-18, 67-70, 117-21 **F**  
▶ “Making Sense of Local & Global Criminal Justice Arrangements” 1-11 **P**  
▶ “Conducting Comparative Criminological Research” 12-25 **P**  
▶ “Law and Globalization” 263-67 **F**  
▶ “Erewhon: The Coming Global Legal Order” 308-16 **F**  
▶ *Anthropology Majors Please Read: “History & Method”* 13-29 **B**  
▶ Be sure to have read the entire syllabus prior to today’s class
- September 19                           **Legal Systems Around the World**  
▶ Burnham, “History and Governmental Structure,” *Introduction to the Law and Legal System of the United States* 1-36 **O**  
▶ Friedman, “American Law,” *Law in America* 161-84 **O**  
▶ The United States Constitution,  
<http://www.usconstitution.net/const.html>  
▶ Chapters on families of law, 30-78 **B**  
▶ “Legal Traditions” 98-145 **R**  
▶ US Law Quiz due in Blackboard before class today
- September 26                           **Crime and the Global World**  
▶ “Comparing Crime” 26-39 **P**  
▶ Greenwald, “Drug Decriminalization in Portugal,” *Cato Institute* 1-30 **O**  
▶ Raffaele, “The Pirate Hunters,” *Smithsonian Magazine* **O**  
▶ Samuels, “The Pink Panthers,” *The New Yorker* 42-61 **O**  
▶ Di Justo, “Crime, Organized,” *Wired* **O**  
▶ Wiki topic vote due in Blackboard before class
- October 3                                   **The State**  
▶ 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**  
▶ 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**  
▶ Wiki group selections due in Blackboard before class today



November 14

### **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**
- ▶ Donnelly, “Human Rights,” *Human Rights & Human Welfare Working Papers Series # 23*, 1-15 **O**
- ▶ Weale, “Between the Highest and the Attainable? Reflections on the Right to Health,” *Essex Human Rights Review* 5:1, 1-4 **O**
- ▶ Outlines of group wikis should now be posted in Blackboard

November 21

### **International Issues in Justice**

- ▶ United Nations Universal Declaration of Human Rights <http://www.un.org/en/documents/udhr/> **O**
- ▶ 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**
- ▶ Branch, “International Justice, Local Injustice,” *Dissent* 51:3, 22-26 **O**
- ▶ “From Cold War Instrument to Supreme European Court” 300-7 **F**

November 28

### **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**
- ▶ “Concluding Comments” 182-5 **P**
- ▶ “The Legal Cultures of Europe” 132-42 **F**
- ▶ “Globalization and the Decline of Legal Consciousness” 292-99 **F**
- ▶ Review “Erewhon: The Coming Global Legal Order” 308-16 **F**

December 5

### **Course Conclusion**

- ▶ *Drafts* of group Wikis due by class time today

**Group Wikis due on Monday, December 12<sup>th</sup> by 11:59 PM**

**Group Assessments & Reflective Memos due in  
Blackboard on Sunday, December 19<sup>th</sup> by 11:59 PM**

## 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. 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. Because this course meets only once a week, absences are particularly problematic. If you miss 2 class meetings, you have missed 2/7 of the entire semester!

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>