

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

Wednesdays 4-7:50 PM, Craig-Lee 151

Prerequisite: Any 100- or 200-level course in a social science

Instructor Information

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Office: Craig Lee Hall Room 451

Office Hours: Tuesday and Thursday 2:30-3:30 or 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)

The majority of course 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

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 as many as 120 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 will be due each week in Blackboard no later than noon on Tuesdays so that I have time to review them before class. More details about the expectations for this assignment are available in Blackboard. You will have 9 opportunities to submit memos and one opportunity to revise and resubmit a memo. **5 points each.**
2. **CURRENT EVENTS ASSIGNMENT.** Once during the course of the semester, you will be responsible—as part of a group of three to four students—for selecting several key current world events related to our course and presenting them to your classmates. Resources and details are available in Blackboard; this assignment will be discussed further during the second week of class. You should also be sure to frequently review the Global Law News link in Blackboard to keep up on relevant current events. **10 points.**
3. **EXAMS.** There are two take-home open-book exams in this course. The midterm, which is due in Blackboard by noon on Wednesday, October 17th, will be a more traditional exam with several short essay questions. The final exam will ask you to identify elements of the government and legal system of an imaginary country by drawing on the ideas and concepts we've developed in class. We will practice some of the skills necessary to complete this assignment in the last week of class. It will be due in Blackboard by 7 pm Wednesday, December 12. **10 points for midterm; 15 points for final.** Note: the final is NOT optional.
4. **BLACKBOARD ASSIGNMENTS.** There will be approximately 4 Blackboard assignments due during the course—anonymous surveys, a quiz on the US legal system, and assignments asking you to respond to assigned films. Due dates are indicated on the course schedule below, though additional assignments may be added as needed (remember, if additional assignments are added, this provides only more opportunities to earn points). **3-5 points each.**
5. **IN-CLASS ASSIGNMENTS.** Frequently throughout the semester we will work on some sort of assignment in class. These assignments, which are not announced in advance, may include group activities, individual writing responses to class material, peer reviews of memos, or other assignments. **1-2 points each.**
6. **ATTENDANCE & PARTICIPATION.** While I do lecture during this course, I expect students to participate actively in class discussions. At least once during each class meeting, you should expect to contribute a question or comment or respond to something I or one of your classmates says. 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 points**

7. **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. I do know the reading load in this course is fairly heavy, but this is what will help you learn. You should also be sure to frequently review the Global Law News link in Blackboard to keep up on relevant current events.

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.

- Wednesday, August 29 **First Day of Class**
- ▶ Getting to Know You survey due in Blackboard by Friday the 27th
 - ▶ 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
- Wednesday, September 5 **World Legal Systems**
- ▶ “Legal Traditions” 98-145 (bring a printed or electronic copy to class)
 - ▶ **Bracey**, pgs. 29-78 on world legal systems (bring to class)
 - ▶ Be sure to have read the entire syllabus prior to today’s class
- Wednesday, September 12 **US Legal System Review/Writing Clinic**
- CLASS TODAY MEETS IN THE COMPUTER LAB, GAIGE 168
- ▶ 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
 - ▶ **US Law Quiz due in Blackboard by 9 am today**
 - ▶ First memo due by class time today; revised memo by 10 am on Sept. 14
- Wednesday, September 19 **The State**
- ▶ Mann, “The Autonomous Power of the State,” *States War Capitalism*
 - ▶ Gottlieb, “Win or Lose,” *The New Yorker* 07/26/20, 73-77 **O**
 - ▶ Horowitz, “Electoral Systems,” *Journal of Democracy* 14:4, 115-127
 - ▶ Weaver, “Electoral Rules,” *Journal of Democracy* 13:2, 111-125
 - ▶ Memo due by noon on Sept. 18
- Wednesday, September 26 **Online Class—Globalization**
- ▶ View video lecture on globalization
 - ▶ View *T-Shirt Travels* video
 - ▶ Ritzer, “Globalization II,” Pp. 33-62 from *Globalization*
 - ▶ **Blackboard Globalization assignment due 9 am on Friday, Sept. 28**

Wednesday, October 3

Crime and the Global World

- ▶ Greenwald, “Drug Decriminalization in Portugal,” Cato Institute 1-30
- ▶ Gettleman, “Taken by Pirates,” *New York Times Magazine*
- ▶ Samuels, “The Pink Panthers,” *The New Yorker* 42-61
- ▶ Di Justo, “Crime, Organized,” *Wired*
- ▶ Schmidle, “Disarming Victor Bout,” *The New Yorker*
- ▶ Memo due by noon on Oct. 2

Wednesday, October 10

Law Enforcement

- ▶ Varghese, “Police Structure,” SSRN Working Papers Series 1-12
- ▶ Kulish, “Germany’s Anti-Chaos Crusaders,” *NYT Magazine*
- ▶ Hessler, “All Due Respect,” *The New Yorker*, 50-59
- ▶ Andreas & Nadelmann, “European Origins of International Crime Control,” Pp. 59-104 in *Policing the Globe*
- ▶ Memo due by noon today (Oct. 10th)—bring 2 printed copies of your memo to class. Revised memo due by noon on Sunday, October 14th.

Wednesday, October 17

Courts, Part I

- ▶ Kadri, “From Eden to Ordeals,” Pp. 3-38 in *The Trial*
- ▶ Bahrapour, “The Caning of Michael Fay,” *American University Journal of International Law & Policy* 10, 1075-1108
- ▶ Schneider & Schneider, “The Anthropology of Crime and Criminalization,” *Annual Review of Anthropology* 37, 351-73
- ▶ **Midterm Assignment Due** before class today

Wednesday, October 24

Courts, Part II, and International Issues

- ▶ Keefe, “Reversal of Fortune,” *The New Yorker*, 38-49
- ▶ Rueschemeyer, “Comparing Legal Professions Cross-Nationally,” *ABA Research Journal* 1986, 415-46
- ▶ Luna, “A Place for Comparative Criminal Procedure,” *Brandeis Law Journal* 42, 277-327
- ▶ Schabas, “Creation of the Court,” *An Introduction to the International Criminal Court* 1-20
- ▶ Memo due by noon on Oct. 23

Wednesday, October 31

Punishment

- ▶ Foucault, “The Body of the Condemned,” *Discipline & Punish* 3-31
- ▶ Lewis, “Behind Bars...Sort Of,” *NYT Magazine* 6/14/09
- ▶ Mauer, “Comparative International Rates of Incarceration,” *The Sentencing Project*, 1-16
- ▶ Miethe, “Issues in the Sociology of Punishments,” *Punishment*, 194-216
- ▶ *The deadline for withdrawing from this course is **November 2***
- ▶ Memo due by noon on Oct. 30

- Wednesday, November 7 **Family Law**
- ▶ Htun & Weldon, “Sex Equality in Family Law”
 - ▶ Estin, “Unofficial Family Law,” *Iowa Law Review*
 - ▶ Rashad, “Marriage in the Arab World,” Population Reference Bureau
 - ▶ Memo due by noon on Nov. 6
- Wednesday, November 14 **Monday Classes Meet Today: Online Assignment on Prisons**
- ▶ Watch *A Jail in Columbia*
 - ▶ Nelken, “Comparative Criminal Justice,” *European Journal of Criminology* 6:4, 291-311
 - ▶ **Comparative Prisons Assignment due by 9 am Friday, Nov. 16**
- Wednesday, November 21 **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/>
 - ▶ Weale, “Between the Highest and the Attainable? Reflections on the Right to Health,” *Essex Human Rights Review* 5:1, 1-4
 - ▶ United Nations Universal Declaration of Human Rights <http://www.un.org/en/documents/udhr/>
 - ▶ **Blackboard survey due by 9 am on Tuesday Nov. 20th**
 - ▶ Memo due by noon on Nov. 20
- Wednesday, November 28 **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 Magazine* 01/14/2007
 - ▶ 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 (available in Blackboard)
 - ▶ Memo due by noon on Nov. 27
- Wednesday, December 5 **Last Class Meeting**
- ▶ **Bracey**, “Epilogue,” 109-110
 - ▶ Zimring, “The Necessity and Value of Transnational Comparative Study,” *Criminology & Public Policy* 5:4, 615-22
 - ▶ Revised memo due by noon on December 4
 - ▶ Bring completed review sheet and questions

Final Assignment Due by 7 PM, Wednesday, December 12

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, 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). Some assignments will require posting directly to a Blackboard application; others will be submitted as attachments in *.rtf, *.doc, or *.docx (preferred) 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 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. 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/programSTD.php>, <http://www.ric.edu/managementMarketing/goals.php> or <http://www.ric.edu/anthropology/goals.php>