

Comparative Law and Justice
Sociology 333-01/Anthropology 333-01
Rhode Island College, Spring 2015

Wednesdays 4-7:50 PM, Craig-Lee 051

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

Open 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, 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. You will have 11 opportunities to write and/or revise memos. **5 points each.**
2. MIDTERM EXAM. There will be an open-book in-class midterm exam in which you apply some of the concepts and ideas we have developed in the first part of the course to a film we will watch in class. Arrangements for this exam are subject to change. **10 points.**
3. 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.
4. INDIVIDUAL/GROUP ASSIGNMENTS. There will be several Blackboard assignments due during the course—anonymous surveys, a quiz on the US legal system, etc.—as well as in-class individual writing assignments and group activities, including peer review of writing. Due dates for out-of-class assignments 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.) **2-5 points each.**
5. 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 rubric available in Blackboard. **10 points**
6. 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.

Wednesday, January 21

First Day of Class

- Getting to Know You survey due in Blackboard by **Friday the 23rd**
- 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, January 28

World Legal Systems

- "Legal Traditions" 98-145 (bring printed/electronic copy to class)
- Bracey**, pp. 29-78 on world legal systems (bring to class)
- Be sure to have read the entire syllabus prior to today's class
February 2nd is the Add/Drop deadline

Wednesday, February 4

US Legal System Review/Introduction to State Systems

- 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 3:30 pm today

Wednesday, February 11

The State

- Mann, "The Autonomous Power of the State," *States War Capitalism*
- Gottlieb, "Win or Lose," *The New Yorker* 07/26/20, 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 3:30 today in Blackboard—*bring a printed copy to class*;
revised memo due by **noon on Friday, February 13th**

Wednesday, February 18

Crime and the Global World

- Greenwald, "Drug Decriminalization in Portugal," *Cato Inst.* 1-30
- Gettleman, "Taken by Pirates," *New York Times Magazine*
- Howard, "Theory, Method, and Data in Comparative Criminology," pp. 141-164 and 172-187 *only*
- Memo due by 3:30 today

Wednesday, February 25

Law Enforcement

- Varghese, "Police Structure," SSRN Working Papers Series 1-12
- Yarwood, "The Geographies of Policing," *Progress in Human Geog.*
- Schmidle, "Disarming Victor Bout," *The New Yorker*
- Andreas & Nadelmann, "European Origins of International Crime Control," pp. 59-104 in *Policing the Globe*
- Memo due by 3:30 today in Blackboard—bring a printed copy to class; revised memo due by 9 am on **Monday, March 2nd**

Wednesday, March 4

Globalization and Justice Systems

- Samuels, "The Pink Panthers," *The New Yorker* 42-61
- Ritzer, "Globalization II," pp. 33-62 from *Globalization*
- Midterm quiz in class tonight—be sure to bring notes/readings!

Wednesday, March 11

No Class—Spring Break

Wednesday, March 18

Courts, Part I

- Kadri, "From Eden to Ordeals," pp. 3-38 in *The Trial*
- Schabas, "Creation of the Court," *An Introduction to the International Criminal Court* 1-20
- Keefe, "Reversal of Fortune," *The New Yorker*, 38-49
- Rueschemeyer, "Comparing Legal Professions Cross-Nationally," *ABA Research Journal* 1986, 415-46
- Memo due by 3:30 today

Wednesday, March 25

Courts, Part II

- Bahrapour, "The Caning of Michael Fay," *American University Journal of International Law & Policy* 10, 1075-1108
 - Luna, "A Place for Comparative Criminal Procedure," *Brandeis Law Journal* 42, 277-327
 - Washburn, "American Indians, Crime, and the Law," *Michigan Law Review*, 710-740 (remainder recommended but optional)
 - Memo due by 3:30 today
- The deadline for withdrawing from this course is March 27*

Wednesday, April 1

Punishment

- Foucault, "The Body of the Condemned," *Discipline & Punish* 3-31
- Cottino, "Crime Prevention and Control," *IRRC* 289-301
- Greenberg & West, "Siting the Death Penalty Internationally," *Law & Social Inquiry* 295-311 and 331-335 ONLY
- Mauer, "Comparative International Rates of Incarceration," *The Sentencing Project*, 1-16
- Lewis, "Behind Bars...Sort Of," *NYT Magazine* 6/14/09
- Memo due by 3:30 today

Wednesday, April 8

Family Law

- Htun & Weldon, "Sex Equality in Family Law," World Bank
- Estin, "Unofficial Family Law," *Iowa Law Review*
- Rashad, "Marriage in the Arab World," Population Reference Bureau
- Memo due by 3:30 today

Wednesday, April 15

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*
- Blackboard survey due by 9 am on Monday, April 13**
- Memo due by 3:30 today

Wednesday, April 22

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 3:30 today

Wednesday, April 29

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
- Revised memo due by 3:30 today
- Bring completed review sheet and questions

Final Exam Scheduling TBA; Week of May 4th

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 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. 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, 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>.