COURSE DESCRIPTION

The aim of this course is to familiarize you with various legal traditions and institutions around the world, as well as to educate you about the ways in which culture and society can affect the functioning of legal systems (and vice versa). At the end of the course, you should be able to discuss analytically and creatively the complex relationship between law, politics, and society. Theoretical texts introduce core concepts that are exemplified in related case study readings that take us back in time (Norman England, the French Revolution, early Islam) and around the globe (Egypt, France, Japan, South Africa, and Guatemala).

This is a writing intensive course. A significant portion of class time is devoted to improving student writing. Most college students do not write at the level they ought to, and this course is designed to rectify that. If you do not want to take this task seriously, or if you feel you are such an excellent writer that you cannot patiently endure a class session on sentence structure, drop this class now. It is expected that your final paper will meet the composition level of a university junior or senior. While students will be rewarded for improvement in their writing, final grades in the class will reflect how well students meet the composition level goal.

PEDAGOGY

This course has seven pedagogical components: lecture, reading, participating in class discussion, leading class discussion, weekly quizzes, writing exercises, and a final paper.

1: Not all of the material you will be assessed on comes from the readings. You cannot succeed in this class without **regular attendance of lecture**. The professor is not responsible for getting students “caught up” when they miss class, so make friends with your fellow students.

2: The readings are complex. You are expected to read them all, and to read them analytically – for the central argument and for connections to the course’s broader themes.

3 & 4: **Participating in discussion** involves thoughtful reflection on the course material, which means challenging the authors, relating the readings to your own observations of the political world, and making connections between readings and other courses you may have had. Students are also required to **lead one discussion** (instructions will be provided). Out of respect for your fellow students who are leading discussion, **do not come to class if you have not read**.

5: **Weekly quizzes** will be given in order to test reading comprehension and composition skills (grammar and argumentation). These are opportunities for you to make sure you understand the material (if you do not, come to office hours). The lowest three quiz scores (including zeros from absences) will be dropped. Excluding prolonged University-approved absences (explained below), there will be NO QUIZ MAKE-UPS, so do not ask.

6 & 7: This course culminates in an **8-page research paper**. Ample class time is devoted to helping students learn how to conduct quality research and write and argue effectively. Opportunity for improvement through **drafts** and **writing exercises** is built into the course.
COURSE REQUIREMENTS, POLICIES, AND PROCEDURES

- **Late work:** All assignments are due in my hands at the end of class. NO LATE WORK will be accepted, save for the final research paper. You will fail this course if you do not submit drafts when they are due. You have been warned, so I will be unapologetic about this.

  As for the final paper, each day of tardiness decreases your paper score by half a grade. Extensions, which eliminate or mitigate the tardy penalty, will only be given if a) requested in advance and/or b) in conformity with University-approved reasons.¹

- **Timely collection of work:** You are responsible to pick up your papers in class. If you do not pick them up the day they are returned, you must come to my office hours to get them.

- **Make-Up Quizzes:** Only for University-approved absences² of two weeks and longer.

- **Absences:** Three absences without a university-approved reason are acceptable. After three, they depress your participation grade. *Do not* contact me for any absence unless there is a paper draft due for that day, or it is a prolonged absence.

- **Grades are your responsibility.** Your grades will be constantly updated on the Blackboard site. Do not ask me about your grade before going to Blackboard. There should be no surprises with your final grade, unless you haven’t been paying attention. *I do not discuss grades over email. If you have a question about your performance, see me in my office hours.*

- **Grading Disputes:** If you wish to dispute a grade, request a copy of the re-grading policy. Your grade may stay as it is, increase, or decrease. Grade complaints will not be accepted two weeks after the quiz date/paper submission date.

- **Email:** I check email once a day M-F. I do not check my email during weekends. *I do not accept assignments, or tolerate rudeness or informality, over email.*

- **Cheating and plagiarism:** Outcomes will be a failing grade and University sanctions.

- **Students needing academic accommodations for a disability** should contact the Disability Resource Center, Campus Center 137, (518) 442-5490. Please present to me any DRC letters.

- I reserve the right to amend this syllabus and administer unannounced quizzes.

### GRADING BREAKDOWN

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Quizzes</td>
<td>15%</td>
</tr>
<tr>
<td>Research paper, synopsis</td>
<td>10%</td>
</tr>
<tr>
<td>Research paper, first draft</td>
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<tr>
<td>Research paper, second draft</td>
<td>20%</td>
</tr>
<tr>
<td>Research paper, final draft</td>
<td>25%</td>
</tr>
<tr>
<td>Attendance</td>
<td>10%</td>
</tr>
<tr>
<td>Strunk &amp; White activity</td>
<td>10%</td>
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</tbody>
</table>

### MATERIALS

There is one book and one “course pack” (collection of articles). Both are available at *Mary Jane Books*. Neither is optional, both are reasonably priced, and public transportation between campus and Mary Jane Books is plentiful.

You will always bring both texts *and the syllabus* to class. A class quiz might consist of me seeing who has their course materials (A+) and who does not (F-).

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¹ University-approved reasons: “documented hospitalization, a death in the immediate family, a personal emergency, or a religious observance, the instructor must administer a makeup exam or offer an alternative mutually agreeable to the instructor and student” (Undergraduate Academic Policy Reminders, available on the University’s website.)

² ibid.

<table>
<thead>
<tr>
<th>Week</th>
<th>Dates</th>
<th>Theme</th>
<th>Monday</th>
<th>Wednesday</th>
<th>Friday</th>
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<tbody>
<tr>
<td>1</td>
<td>Aug 30-Sep 3</td>
<td>Norms, law, &amp; courts</td>
<td>Intro</td>
<td></td>
<td>Quiz</td>
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<tr>
<td>2</td>
<td>Sep 6-10</td>
<td>Sentence construction</td>
<td>No Class</td>
<td>No Class</td>
<td></td>
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<tr>
<td>3</td>
<td>Sep 13-17</td>
<td>Courts are political</td>
<td></td>
<td>Group 1</td>
<td>Quiz</td>
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<tr>
<td>4</td>
<td>Sep 20-24</td>
<td>Grammar</td>
<td>Group 2&amp;3</td>
<td>Group 4&amp;5</td>
<td>Quiz</td>
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<tr>
<td>5</td>
<td>Sep 27-Oct 1</td>
<td>Legal traditions</td>
<td></td>
<td></td>
<td>Quiz</td>
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<tr>
<td>6</td>
<td>Oct 4-8</td>
<td></td>
<td></td>
<td></td>
<td>Quiz</td>
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<tr>
<td>7</td>
<td>Oct 11-15</td>
<td>Paper expectations</td>
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<td>Quiz</td>
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<td>8</td>
<td>Oct 18-22</td>
<td>Argumentation</td>
<td></td>
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<td>Synopsis</td>
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<td>9</td>
<td>Oct 25-29</td>
<td>Judicialization of politics: case studies</td>
<td>1st draft</td>
<td>Quiz</td>
<td></td>
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<tr>
<td>10</td>
<td>Nov 1-5</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>11</td>
<td>Nov 8-12</td>
<td>Writing tutorials</td>
<td>1 on 1 meetings all week, no class</td>
<td>2nd draft</td>
<td>Quiz</td>
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<td>Nov 15-19</td>
<td>Supernational courts</td>
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<td></td>
<td>Quiz</td>
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<td>13</td>
<td>Nov 22-26</td>
<td>Common paper errors</td>
<td>Return drafts</td>
<td>No Class</td>
<td>No Class</td>
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<td>14</td>
<td>Nov 29-Dec 3</td>
<td>Supernational courts (cont.) and intl courts</td>
<td>Paper due</td>
<td></td>
<td></td>
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<tr>
<td>Last</td>
<td>Dec 6-8</td>
<td></td>
<td></td>
<td>No Class</td>
<td></td>
</tr>
</tbody>
</table>

**There is no final for this course.**

Sept 15 – last day to add, last day to drop without a W
Nov 8 – last day to drop (will get a W)

**ASSIGNED READINGS AND DUE DATES**

*Complete the assigned reading (marked with a *) prior to the lecture for which it is assigned.*

**WEEK ONE**

August 30 Monday: Introduction: Discussion of the basis for courts, law

Introduction to course and review of policies and expectations. What are norms? What is law, and how is it made? How are norms and law related? How are they important in our lives?

September 1 Wednesday: Law and culture


What happens when norms and law differ? How might the expansion of law over multiple countries and regions, and the movement of people through different systems of law, make applying the law to persons challenging?

*We will have an in-class free-write response to the Ojito article. You will also be introduced to your Grammar Groups and sign up for discussion leader slots.*

September 3 Friday: Social logic of courts [Quiz]

What are courts? How do they work? What is the basic logic behind courts – why do they exist, and continue to exist when these new challenges keep cropping up?

WEEK TWO

September 6 Monday: No class

September 8 Wednesday: Parts of a sentence
We cannot begin to make any serious headway on your composition skills until we have a common language in which to communicate errors. Miss today’s class at your final grade’s peril.

September 10 Friday: No class

WEEK THREE

September 13 Monday: Courts are Political

Contrary to everything you may have heard during the hearings surrounding Judge Sotomayor’s or Elena Kagan’s nomination to the Supreme Court, courts are political. It is in their very nature to be so. This reading shows how it is impossible for courts to not be political agents – and why judges must constantly lie about this role they inevitably play.

September 15 Wednesday: Courts are political (cont.)

Jacob adds some additional considerations for why courts are political.

September 17 Friday: Strunk and White presentations, Grammar Group 1 [Quiz]
Select pages: p. 1-85. Read at your own pace over the course of three sessions.

To improve your writing skills, I am requiring you to memorize twenty-five of the most common mistakes in college papers. You will be responsible for helping your fellow students learn them.

WEEK FOUR

September 20 Monday: Strunk and White presentations, Grammar Groups 2 & 3
Select pages: p. 1-85. Read at your own pace over the course of three sessions.

September 22 Wednesday: Strunk and White presentations, Grammar Groups 4 & 5
Select pages: p. 1-85. Read at your own pace over the course of three sessions.

September 24 Friday: What are legal traditions? [Quiz]

What does it mean when we say “legal tradition”? Why bother studying them? “Tradition” sounds so old - what can tradition tell us about legal systems and courts today?
WEEK FIVE

September 27 Monday: Norman England and the advent of Common Law

What is the common law legal tradition? We’ll be looking at an example of common law, British common law, to understand this tradition and its development. As you read these passages in Shapiro, keep in mind how the political and social context of England at the time of the Norman invasion, and even later, shaped the development of common law as a legal tradition.

September 29 Wednesday: Norman England and the advent of Common Law, cont.

October 1 Friday: Civil law [Quiz]
On Monday, we will read about the most widespread legal tradition in the world, civil law (yep, our legal system in the US is something of an odd duck). Today in class, we will preview this system by watching part of a film entitled “The 10th District Court,” a documentary about a French district court in Paris.

WEEK SIX

October 4 Monday: Civil law (cont.)

What is the Civil Law legal tradition? How does it differ from Common Law?

October 6 Wednesday: Sharia law

What is the Islamic legal tradition? What does Sharia look like today, and what are contemporary debates concerning its form and structure?

October 8 Friday: Sharia law (cont.) [Quiz]
Today in class, we will watch part of a film entitled “Inside a Shariah Court,” a documentary by a British Muslim woman about Sharia in Nigeria. We will then discuss what we see in the film in relationship to what we’ve read about Sharia and its development, as well as explore the potential difficulties and benefits of two different legal systems coexisting.

WEEK SEVEN

October 11 Monday: Introduction to final paper assignment
If you miss class today, you will struggle with the final paper for sure.
October 13 Wednesday: Case study – Egypt
After learning about what is expected for the final paper, you may wonder what a finished product would look like. Here is our first case study about the connection between law and politics: an article about the Supreme Constitutional Court of Egypt. You are not expected to have as much research here as Prof. Moustafa does, clearly, but this article provides a good example of the kind of paper you will be writing. He asks, why would an authoritarian regime establish a constitutional court that could check its power? And can the Supreme Constitutional Court of Egypt really stand up to the state and influence state policy? Think of this paper as a very, very high bar you want to aim for.

October 15 Friday: Conducting smart online research [Quiz]
Today’s session focuses on how to search for law journal articles, news articles, and credible online sources. You’ll be introduced to some websites that are very helpful for this final paper, and given some tips to think about what makes a website credible or not. Note that you will lose points on your final paper for sources that are not credible.

WEEK EIGHT

October 18 Monday: Argumentation
Intelligent papers begin with solid argumentation. Furthermore, the ability to make a logical argument and assess other arguments for their soundness is a task that will serve you long after your paper-writing days of college. Unfortunately, despite its importance as a fundamental building block of knowledge, argumentation is a skill that continues to elude many students. We will address that intellectual lacuna during this week of class.

October 20 Wednesday: Argumentation

October 22 Friday: Argumentation [Synopsis due] [Quiz]

WEEK NINE

October 25 Monday: Case study – France
This compelling article looks at a heated political debate in France, and the role that nation’s high administrative court has played in that discussion.

October 27 Wednesday: Case study – Japan
What explains the contentious relationship between courts and politics in Japan? How has the state sought to contain the law-making of courts?
October 29 Friday: Writing workshop: Thesis statements [Quiz]

WEEK TEN

November 1 Monday: Case study – South Africa

We often look at examples of how politics affects legal systems (and vice-versa). This article reminds us that culture can influence the development of a legal system as well.

November 3 Wednesday: Case study – Guatemala

The same courts that some indigenous Guatemalans hope will protect their rights are also protecting the trade agreements and property ownership that endanger these indigenous Guatemalans. What can be expected of a court in such a situation?

November 5 Friday: Writing workshop: Intro paragraphs [1st draft of paper due] [Quiz]
You will be expected to sign up for a date and time to discuss your paper with me in my office next week.

WEEK ELEVEN

November 8 Monday through November 12 Friday: One on one meetings
I will have read the paper, and will go over my first impressions with you, asking questions about things that are not clear and giving you advice to help you improve the paper for the next draft. *DO NOT lose the paper after I give it back to you, as you are required to submit all drafts together so I can track your progress.*

WEEK TWELVE

November 15 Monday: ECHR Video
What is the history of this institution, why does it have such a “moral mandate,” if you will, and where is the court going today?

November 17 Wednesday: Introduction to the ECHR

What is the ECHR, how did it develop, and what is its goal? How does this supranational court balance its role as a supranational judiciary with the need to respect Member States and the democratic process?

November 19 Friday: The ECHR in action [2nd draft of paper due] [Quiz]

This case is both interesting to read, and a great example of the tough challenges and decisions the ECHR must face as a supranational court. Look for connections between this case and the Beller article, as Turkey’s secularist tradition largely comes from France – but its concerns with Islam are unique to Turkey.
WEEK THIRTEEN

November 22 Monday: Drafts returned; common paper problems
Your second drafts will be returned today. We will go over the most common problems I see in the class’ papers. Again, do not lose the drafts that I return to you, as you are expected to submit all three versions together at the end of the course.

November 26 Friday: No class

WEEK FOURTEEN

November 29 Monday: The ECJ

What is the ECJ, how did it develop, and what is its goal? How has its mandate stretched beyond its more modest, original goals? How does this supranational court balance its role as a supranational judiciary with the need to respect Member States and the democratic process?

December 1 Wednesday: The ECJ and human rights

How is the ECJ being used by human rights activists, and what effect does this have on both the ECJ, and the Member States of the European Union? What are the limitations of using the ECJ for pursuing human rights agendas? The potential benefits?

December 3 Friday: The ICC [Quiz]
We will be watching a film (*The Reckoning: The battle for the International Criminal Court*) as a way of introducing ourselves to the ICC. It covers a couple of the ICC’s cases, and the difficulties the ICC has had in bringing the US on board.

WEEK FIFTEEN

December 6 Monday: Debate – should the US join the ICC?

This article examines the institutional makeup of the ICC, as well as the reasons for its existence and the challenges it faces. We will hold a class debate on whether or not the US should join the ICC.

December 8 Wednesday: Last day of class [Final draft of paper due]