

**University of North Texas at Dallas**  
**Spring 2019**  
**SYLLABUS**

<b>PSCI 3100-005: Comparative Courts</b>	
<b>3 Hrs.</b>	
Department of Social Sciences	Division of Liberal Arts and Life Sciences
<b>Instructor Name:</b>	Razan Albanna
<b>Email Address:</b>	<a href="mailto:razan.albanna@untDallas.edu">razan.albanna@untDallas.edu</a> (do not use Canvas for email communication)
<b>Office Hours:</b>	Office hours will be set after I have met with all of my classes. I will try to maximize my availability to students. Office hours will be posted on the course Web page. There are no dedicated hours for each class – first come is first served. Making an appointment will guarantee you access at the times that fit your schedule.
<b>Classroom Location:</b>	Dallas 242
<b>Class Days &amp; Times:</b>	TR 1:00-2:20
<b>Course Description:</b>	This course will expose students to the types of established legal systems in countries around the world. We begin by learning basic theories about constitutions and the important developments in constitutional law across the world. We then move to explore the differences between the common and civil law judicial systems in the context of various case studies. We then turn to examine the functions and political role of judiciaries in democracies, authoritarian and democratizing regimes, focusing attention on the concept of judicial independence and its implications in terms of the protection of human rights. Next, we examine courts in Muslim-dominant countries to understand the role of shari'a law. And finally, we will end by examining courts outside the context of regular judicial institutions, such as military and national security courts, highlighting their controversial functions and impact on human rights. This course is designed as a seminar, where students will be responsible to lead discussions and present case studies on a specific number of sessions. Students are also expected to ask questions and offer their thoughts and opinions on the days they are not responsible for leading discussions.
<b>Prerequisites:</b>	None
<b>Co-requisites:</b>	None
<b>Required Texts:</b>	<ul style="list-style-type: none"> <li>• Shapiro, Martin. 1981. Courts. A Comparative and Political Analysis. Chicago, IL: The University of Chicago Press.</li> <li>• Epp, Charles R. 1998. The Rights Revolution: Lawyers, Activists and Supreme Courts in Comparative Perspective. Chicago: The University of Chicago Press.</li> <li>• Ginsburg, Tom &amp; Tamir Moustafa. 2008. (Eds.) Rule by Law: The Politics of Courts in Authoritarian Regimes. New York: Cambridge University Press.</li> </ul>

	<ul style="list-style-type: none"> <li>Ni Aolain, Fionnuala &amp; Gross, Oren. 2013. <i>Guantanamo and Beyond: Exceptional Courts and the Military Commissions in Comparative Perspective</i>. New York: Cambridge University Press.</li> </ul> <p>Other required readings will be listed in the class schedule. They can be accessed through the UNT-Dallas online library, or they will be posted on Canvas.</p>
<b>Recommended Texts and References:</b>	None, but additional online readings linked to homework assignments and quizzes may be assigned.
<b>Access to Learning Resources:</b>	<p>UNT Dallas Library:  phone: (972) 780-3625;  web: <a href="http://www.unt.edu/unt-dallas/library.htm">http://www.unt.edu/unt-dallas/library.htm</a></p> <p>UNT Dallas Bookstore:  phone: (972) 780-3652;  e-mail: <a href="mailto:1012mgr@fhcg.follett.com">1012mgr@fhcg.follett.com</a></p>
<b>Course Goals or Overview:</b>	<p>The main objective of this course is to gain understanding of the various structures, functions, and powers of judicial institutions in a comparative context, as well as understand the relationship of these judicial institutions to other governmental branches. To familiarize students with basic theoretical perspectives on judicial independence and the rule of law, so that they gain understanding of the conditions under which judiciaries play a central role in the political development of states. To provide students with the basic methodological tools to develop research on contemporary issues related to courts in their role in state politics.</p>

## Grading Components and Policy

Your grade will be based on the following components:

- 15% Critical Essay 1
- 15% Critical Essay 2
- 20% Student presentation of readings
- 15% Attendance and Participation
- 35% Research Design Paper

Grading scale is as follow:

A = 90-100%

B = 80-89%

C = 70-79%

F = Below 70%

### **Two Critical Essays**

Twice in the semester, students must turn in a short paper of 2-3 pages assessing the week's set of readings. The format of the paper is single spaced paragraphs with font size 12, typed and turned in hard copy format at the beginning of class. These papers should identify the key questions and findings that the week's body of readings addresses, highlight the strengths and weaknesses of the readings, and discuss how the scholarship is advanced (or not) by these reading and how the research can be improved. Students will select 2 weeks for which they will write these critical essays, one week in the first half of the semester (before Spring Break), and one in the second half.

### **Student-led Presentation and Discussion of Material**

This Class is designed as a seminar, in which students will significantly contribute to the discussions of the readings. Each student is expected to select a case study from the course schedule to present to class and lead the discussion of the case in the context of the theoretical arguments related to the case. The selection and assignment of case-studies will be determined on the first week of the semester. The "Student Presentation of Readings" component of the grade is based on this assignment.

### **Attendance and Participation**

Students are expected to attend every session. Attendance means to arrive in class punctually, and to leave only after class had ended. 15% of the grade is contingent upon attendance and participation. I will be taking attendance and monitoring participation. Students are allowed up to three unexcused absence throughout the semester without any penalty. More than three absences will result in points deduction. If a student reaches more than five absences, he/she will be in peril of referral to their advisor and may be subjected to sanctions. Excused absences will need documents to support them.

### **Research Design Paper**

Students will write an original research design of 10 to 12 pages long (double spaced, font size 12, with page margins no more than 1"). This research design paper must present a viable research question dealing with comparative courts. The research design must identify the research questions, explain its importance (answering why should we care?), and develop a plan to carry out this research. **Students are not required to carry out the research itself.** Students

should engage in literature review, discuss sample selection, data gathering, and appropriate analysis. Selection of topics must be in consultation with the instructor prior to submission. Students are required to submit this research design paper in class on the last day of the semester (May 2<sup>nd</sup>). No late work will be accepted. This is a major assignment of the course. Students are expected to prepare this paper early on. No make-up is allowed for this assignment for whatever reason.

### **Late Assignments and Make-up Policies**

Make-ups for the short critical essays will be truly exceptional, and only allowed after talking to the professor and documenting any reason that forced the student to miss the exam. Late assignments will be penalized with one less grade every day past the due date.

### **Academic Integrity**

You are expected to abide by the University's code of Academic Integrity policy. Any person suspected of academic dishonesty (i.e., cheating or plagiarism) will be handled in accordance with the University's policies and procedures. Refer to the Student Code of Academic Integrity (Policy 7.002) at

[http://www.untdallas.edu/sites/default/files/page\\_level2/pdf/policy/7.002%20Code%20of%20Academic\\_Integrity.pdf](http://www.untdallas.edu/sites/default/files/page_level2/pdf/policy/7.002%20Code%20of%20Academic_Integrity.pdf)

Refer to the Student Code of Student Rights, Responsibilities and Conduct at

[http://www.untdallas.edu/sites/default/files/page\\_level2/hds0041/pdf/7\\_001\\_student\\_code\\_of\\_conduct\\_may\\_2014.pdf](http://www.untdallas.edu/sites/default/files/page_level2/hds0041/pdf/7_001_student_code_of_conduct_may_2014.pdf)

Academic dishonesty includes, but is not limited to, cheating, plagiarizing, fabrication of information or citations, facilitating acts of dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students. In addition, all academic work turned in for this class, including exams, papers and written assignments must include the following statement: "On my honor, I have not given, nor received, nor witnessed any unauthorized assistance that violates the UNTD Academic Integrity Policy."

### **Bad Weather Policy**

Campus facilities will close and operations will be suspended when adverse weather and/or safety hazards exist on the UNTD campus or if travel to the campus is deemed dangerous as the result of ice, sleet or snow. In the event of a campus closure, the Marketing and Communication Department will report closure information to all appropriate major media by 7 a.m. That department will also update the UNTD website, Facebook and Twitter with closing information as soon as it is possible. For more information please refer to

<http://www.untdallas.edu/police/resources/notifications>

## Diversity/Tolerance Policy

Students are encouraged to contribute their perspectives and insights to class discussions. However, offensive and inappropriate language (swearing) and remarks offensive to others of particular nationalities, ethnic groups, sexual preferences, religious groups, genders, or other ascribed statuses will not be tolerated. Disruptions which violate the Code of Student Conduct will be referred to the Dean of Students as the instructor deems appropriate. (UNTD Policy 7.001)

## Course Schedule

DATE	TOPICS	Readings
T Jan, 15	General course info / Introduction	
R Jan, 17	Constitutionalism and the Development of Norms and Rights Practices	Go (2003), A Globalizing Constitutionalism?
T Jan, 22	Continued Constitutionalism and the Development of Norms and Rights Practices	Ginsburg et al. (2013), Getting to Rights: Treaty Ratification, Constitutional Convergence, and Human Rights Practices
R Jan, 24	The logic of Courts	Shapiro Ch.1
T Jan, 29	Comparative Legal Systems	Shapiro Ch. 2&3 (student-led discussion)
R Jan, 31	Rights Revolution in Comparative Perspective	Epp Ch. 2&3
T Feb, 5	Rights Revolution	Case Study- India. Epp Chapters 5&6 (Student-led Discussion)
R Feb, 7	Rights Revolution	Case Study- Canada. Epp Chapters 9&10 (Student-led Discussion)

T Feb, 12	Theoretical Approaches to Judicial Independence	Brashear Tiede, Lydia. 2007. "Judicial Independence: Often Cited, Rarely Understood." Journal of Contemporary Legal Issues. 15: 129-61.
R Feb, 14	Continued Judicial Independence	Keith (2012), Political Repression and the Role of the Judiciary. Chapter 4. (Electronic Reserve). Will post online and announce the page selections for you to read.
T Feb, 19	Courts in Democracies	Alec Stone Sweet (2000), Constitutional Adjudication and Parliamentary Democracy. Chapter 2. (Electronic Reserve)
R Feb, 21	Courts in Authoritarian Regimes	Ginsburg and Moustafa (2008)- in Rule by Law, The Functions of Courts in Authoritarian Politics. Chapter 1
T Feb, 26	Continued Courts in Authoritarian Regimes	Beatriz Magaloni (2008)- in Rule by Law, The Case of Mexico. Chapter 7. (Student-led Discussion)
R Feb, 28	Continued Courts in Authoritarian Regimes	Tamir Moustafa (2008)- in Rule by Law, The Case of Egypt. Chapter 5. (Student-led Discussion)
T Mar, 5	Continued Courts in Authoritarian Regimes	Pierre Landry (2008)- in Rule by Law, The Case of China. Chapter 8. (Student-led Discussion)
R Mar, 7	Continued Courts in Authoritarian Regimes	Gordon Silverstein (2008)- in Rule by Law, The Case of Singapore. Chapter 3. (Student-led Discussion)
T Mar, 12	SPRING BREAK	

R Mar, 14	SPRING BREAK	
T Mar, 19	Courts in New and Semi-Democracies	Ginsburg (2003). Why Judicial Review? Chapter 2. (Electronic Reserve)
R Mar, 21	Continued Courts in New and Semi-Democracies	Widner and Scher (2008)- in Rule by Law, The Case of Uganda and Zimbabwe. Chapter 9. (Student-led Discussion)
T Mar, 26	Continued Courts in New and Semi-Democracies	Shambayati (2008)- in Rule by Law, The Case of Turkey and Iran. Chapter 11. (Student-led Discussion)
R Mar, 28	FILM DAY	
T Apr, 2	Constitutionalism and the Role of Islam	An-Na'im (2006), Islam and Constitutionalism and Sudan, Nigeria, and Senegal. Chapter 5. (Electronic Reserve).
R Apr, 4	Continued Constitutionalism and the Role of Islam	Reading: Burgis, M. 2007. "Judicial Reform and the Possibility of Democratic Rule in Jordan: A Policy Perspective on Judicial Independence." Arab Law Quarterly, 21 (2), 135-169. (Student-led Discussion)
T Apr, 9	Courts out of Context	Ni Aolain and Gross (2013), Guantanamo and Beyond. Introduction.
R Apr, 11	Continued Courts out of Context	Cole (2013)- in Guantanamo and Beyond. Military Commissions and the Paradigm of Prevention. Chapter 5.
T Apr, 16	Continued Courts out of Context	Walker (2013)- in Guantanamo and Beyond. Terrorism Prosecution in the United Kingdom. Chapter 11. (Student-led Discussion)

R Apr, 18	Continued Courts out of Context	Gross (2013)- in Guantanamo and Beyond, The Israeli Perspective. Chapter 12. (Student-led Discussion)
T Apr, 23	Continued Courts out of Context	Pereira (2013)- in Rule by Law, of Judges and Generals. Chapter 1. (Student-led Discussion)
<b>R Apr, 25</b>	Continued Courts out of Context	Weissbrodt and Hansen (2013)-in Guantanamo and Beyond. Chapter 14
<b>T Apr, 30</b>	Continued Courts out of Context	Professor Albanna Research. The Judicialization of Repression
<b>R May, 2</b>	<b>Conclusion</b>	<b>Research Design Paper Due</b>

**Additional readings and assignments may be added**