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Gowen Hall 127
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Office Hours: Tuesday 10:30am - 12noon and by appt.
Course Webpage: <https://canvas.uw.edu/courses/1188429>

University of Washington
Winter 2018
T 1:30-4:20pm
THO 217

COMPARATIVE LAW AND POLITICS
POL S 561/ POL S 566

This is a PhD level course and can be applied to the course requirements for the following fields in the Political Science Department: *public law* and *comparative politics*. It also fulfills course requirements for the *CLASS Grad Certificate program*.

This course engages a critical global transformation: the legalization of politics at the domestic, transnational and international level. Today the forces of legalization are proceeding at unparalleled rates around the globe. Traditional local norms and legal institutions are increasingly subject to these global pressures, substituting these diverse local settings with a general law. This trend changes how we come to use the law, practice the law and study the law. This seminar introduces graduate students to comparative law and politics research in Political Science and to the field of interdisciplinary scholarship known as *law and society* or *sociolegal studies*. The readings come from scholars in a variety of disciplines, including Political Science, Anthropology, Sociology, and Law.

The course is organized around core themes in the law and society tradition: The roles of courts and other legal institutions; individual and group disputing processes; institutional and discursive mechanisms of social control; colonial and post-colonial legacies for social ordering and disputing; transnational legal ordering and comparative analyses of legal cultures. Sociolegal scholarship has developed as an alternative to the work of more conventional legal scholars who focus on official rules, judicial doctrines, or judicial decision-making. The course thus focuses on the content of legal rules and doctrines only incidentally and in order to illustrate their theoretical points.

This course is targeted at PhD students who are interested in studying this intersection between law, courts and politics in comparative and international perspective. Drawing from public law, comparative politics, international relations and law & society literatures across a wide array of geographical settings and international regimes, we will critically examine the alleged utility of various theories and methodology for conducting comparative research on law in society.

Readings

Books:

These books are on order at the UW Bookstore. They are also on reserve at Odegaard library. However, all are easily accessible via online book sellers if you are interested. I have included full information here.

- *Mobilizing for Human Rights: International Law in Domestic Politics* by Beth A. Simmons.
ISBN: 978-0-521-71232-3, Cambridge University Press, 2009
- *International Law from Below: Development, Social Movements and Third World Resistance* by Balakrishnan Rajagopal
ISBN: 0-521-01671-1, Cambridge University Press, 2003

Articles:

Required readings beyond the books listed above will be posted on the course website.

Laptops and electronic devices: Laptops and electronic reading devices will be allowed in class for access to digital copies of the readings. Laptops and electronic devices will remain in airplane mode and closed if you do not need to reference the readings, which will most often be the case. Note taking for the course will be done by hand in a written notebook.

Expectations and Assignments

All students are required to come to class having read the assigned readings and prepared to engage in active discussion. There are also three main assignments in this course. They are detailed below and further information will be added to the course webpage.

Discussant-Presenter Assignment

Students will serve as a discussant-presenter by leading a class discussion during the quarter. You can budget about 10 minutes for the in class presentation, and additionally will assist in leading the discussion as we examine the readings. You can also bring a list of questions to discuss and could bring this as a handout. It is worth looking at your fellow classmate Reading Response Briefs to touch on questions they may raise too. The following is an assignment associated with this role.

- *Short Paper:* The student is required to turn in a Short Paper (5 pages, double spaced) that raises themes, strengths and weaknesses, and briefly summarizes the readings and evaluates the broader implications of the research. These papers will be uploaded to the course website under the associated Discussion link by **Monday at 5pm**.

Reading Response Brief Assignment

Each week, students who are not leading the class discussion are required to upload a Reading Response Brief (1 page, single spaced) to the course website under the associated Discussion link by **Monday at 5pm**. These will be based on the readings for that week and will raise key questions or issues you would like to discuss, as well as how these questions might further our understanding of the readings. **Please bring a copy** to class with you so you can raise these points in the discussion.

Research Paper Assignment

Students will also be required to write a research paper (15-20 pages double spaced). The students will begin working on this paper early in the quarter. I would encourage you to take this opportunity to move forward on a MA essay or other paper for publication. The following are the assignments associated with this paper.

- *1 Page Proposal:* Students are required to write a 1 page proposal outlining their Research Paper highlighting the puzzle, paper outline and the theoretical and empirical resources to be utilized. This is due on **Friday, January 26 at 5pm** to the course website.
- *Research Paper:* The final paper is due on **Friday, March 9 at 4pm** to my mailbox in the Political Science Department, Gowen Hall 101, as well as electronically to the course website. Please put both my name and your name on the paper.

Assessment:

Discussant-Presenter/Short Paper (5pp)	20%
Reading Response Briefs and Participation	20%
Research Paper (15-20pp)	60%

Late assignments will be not be accepted other than in catastrophic circumstances. Please contact me immediately if a circumstance arises that prevents you from completing an assignment.

Academic Conduct: I will enforce strictly the University of Washington's Student Conduct code, including the policy on plagiarism. The entire code can be found at <http://www.washington.edu/students/handbook/conduct.html>.

Disability Accommodations. If you would like to request accommodations due to a disability, please contact the Disability Resources for Students office, 448 Schmitz Hall, 543-8924 (V/TDD). If you have a letter from their office indicating you require accommodations, please present the letter to me as soon as possible so that I can make necessary arrangements.

CLASS SCHEDULE

January 9: Introduction

- Darian-Smith. *Laws and Societies in Global Contexts/Introduction: Sociolegal Scholarship in the Twenty-First Century*

January 16: Conceptualizing Law in a Global Age: Institutions, Impact and Justice

- Smith. *Historical Institutionalism and the Study of Law*
- Gould & Barclay: *Mind the Gap: The Place of Gap Studies in Sociolegal Scholarship*
- Sassen. *Neither Global Nor National: Novel Assemblages of Territory, Authority and Rights*
- Silbey. *Let Them Eat Cake: Globalization, Postmodern Colonialism and the Possibilities of Justice*

January 23: Norms, Rules, and Disputes

- Axelrod. *An Evolutionary Approach to Norms*
- March and Olsen. *The Logic of Appropriateness*
- Ellickson. *Order without Law*. (Intro, chp1-3,7,10,16)
- Godoy. *When "Justice" is Criminal: Lynching in Contemporary Latin America*

Friday, January 26, 1-2 Page Paper Proposal due, 5pm to Course website

January 30: Global Norm Diffusion

- Sikkink and Finnemore. *International Norm Dynamics and Political Change*
- Halliday, *Recursivity of Global Normmaking: A Sociolegal Agenda*

- Widmaier & Park. *Differences Beyond Theory: Structural, Strategic and Sentimental Approaches to Normative Change*
- Sarfaty. *International Norm Diffusion in the Pimicikamak Cree Nation*
- Prantl & Nakano. *Global Norm Diffusion in East Asia: How China and Japan Implement the Right to Protect*

February 6: Judicial Politics in Comparative and International Perspective

- Shapiro. *Courts: A Comparative and Political Analysis* (chp1)
- Staton & Moore. *Judicial Power in Domestic and International Politics*
- Stone Sweet & Brunell. *Trustee Courts and the Judicialization of International Regimes*
- Lake. *Organizing Hypocrisy: Providing Legal Accountability for Human Rights Violations in Areas of Limited Statehood*
- Hilbink. *The Constituted Nature of Constituents' Interests: Historical and Ideational Factors in Judicial Empowerment.*

February 13: Mobilizing the Law: within, above and beyond the state

- Zemans. *Legal Mobilization: The Neglected Role of the Law in the Political System*
- Galanter. *Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change*
- Cichowski, *The European Court, Amicus Curiae and Violence Against Women*
- Meyers. *Global Civil Society as Megaphone or Echo Chamber? Formalizing Voice in the International Disability Rights Movement*
- Hajjar. *Religion, State Power and Domestic Violence in Muslim Societies*

February 20: Comparative Criminal Law and Social Control

- Nelken, *Comparative Criminal Justice: Beyond Ethnocentrism and Relativism*
- Osanloo, *When Blood Has Spilled: Gender, Honor and Compensation in Iranian Criminal Sanctioning*
- Gottschalk, *Hiding in Plain Sight: American Politics and the Carceral State*
- Beckett and Godoy, *Power, Politics and Penalty: Punitiveness as Backlash in American Democracies*

February 27: International Law, Colonial Legacies and Resistance

- Rajagopal. *International Law from Below* (book)

March 6: International Law in Domestic Politics

- Simmons. *Mobilizing the Law for Human Rights* (book)

Friday, March 9: Research Paper due by 4pm to my mailbox in Gowen 101. Please put both my name and your name on the paper. The paper must also be submitted electronically to the course website.