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Office Hours: Wednesdays 2-4pm

University of Washington
Fall 2018
Lectures: T, Th 11:30am-12:50
Class Location: JHN 102

TAs: Christianna Parr parr182@uw.edu AA 8:30-9:20 AB 9:30-10:20
Travis Nelson travisn@uw.edu AC 10:30-11:20 AD 11:30-12:20
Nicolas Wittstock nwitts@uw.edu AE 11:30-12:20 AF 12:30-1:20

COMPARATIVE LAW AND COURTS LSJ 367/ POL S 367 Fall 2018

Are you interested in why law and courts matter for international and comparative politics and policy? This course, an introduction to comparative judicial politics, is targeted at undergraduate students who are interested in learning about the interaction between law, courts and politics in countries throughout the world and at the international level. This class is a required pre-requisite course for the Law, Societies and Justice program and consists of both large lectures and smaller quiz sections. We begin by critically examining the (alleged) functions of courts: to provide for “order,” resolve disputes, and to enforce legal norms. We then turn to constitutional politics in democracies, asking how constitutional courts have changed national policies and empowered individuals with new rights. Next we study the development of constitutional courts in new democracies. The final section of the course is devoted to law and courts in supranational and international contexts. In particular, students will explore an increasingly powerful supranational court, the Court of Justice of the European Union. Another supranational court, the European Court of Human Rights, will serve as a comparison. Finally, we will end by examining a newly evolving international court, the International Criminal Court.

Required Reading: There are required readings posted on the course website. They can be accessed directly at: <https://canvas.uw.edu/courses/1222725>

Two important points. First, lectures cover major points taught in the course and may raise important points from the readings, but they are not an adequate substitute for reading assignments. Conversely, material presented in lectures is not always covered in the readings. You are expected to have read the texts assigned in the schedule below for each lecture class and to be ready to discuss the relevant materials in a knowledgeable way. Failure to keep up with readings will limit your ability to both contribute to and learn from the large class interactions. Second, some of the reading assignments are difficult and may take more time than you might otherwise expect. I urge you to stay on schedule. The syllabus tells you what to read and when. Both the TAs and I are here to help you understand the material covered in this course. Please don't hesitate to come visit us in office hours if you have any questions, concerns or comments.

Assessment:

Midterm Exam	25%
Research paper	30%
Final Exam	30%
Quiz Section Assignments/Participation	15%

Assessment in this course will be based on the above criteria. Receiving a zero on any one of the three main course assignments, will result in a failing grade for the course. In addition to your performance on the exams and paper, 15 percent of your course grade will be based on your class participation and assignments turned in quiz section. You will be expected to turn in writing assignments (1-2 pages) in your quiz sections. Weekly Reading Questions are posted on the Course Website on Fridays for the following week. The TA alone has responsibility over this element of the final grade. Your enrollment in this course constitutes acceptance of the following: 1) papers turned in late will be penalized .2 for each day after the due date and no make-up exams will be scheduled and 2) other than unforeseeable circumstances, no exceptions will be made to point #1. Please inform me or your TA as soon as possible of any such circumstances immediately. We are here to help. The syllabus marks clearly when exams are and when the paper is due, enabling all students to schedule their quarter accordingly. If you have conflicting commitments, such as military service or others, please come speak with me as soon as possible so accommodations can be made.

Course Website: Be sure to check out the Course Website, as this will be a place to look for this syllabus, announcements, research links, weekly questions, study guides and assignments:

<https://canvas.uw.edu/courses/1222725>

Research and Writing: This course aims to develop research skills. In particular, students will be instructed in and given time to utilize library resources in order to develop and complete a research paper. Further, students will also be asked to do a significant amount of writing and your ability to formulate and express a rigorous argument will be central to your success. You are encouraged to speak with the TA and me about your writing and to use the Political Science Writing Center. The Writing Center is located in Gowen Hall 105; they have handouts on their door and on their website (<http://depts.washington.edu/pswrite/>) and they will meet with you for writing consultations. Subsequently, students are expected to produce polished papers that are thoroughly revised, proofread, and spell-checked. Students are expected to cite their sources properly, and failure to do so will result in a grade reduction and a possible zero on the assignment.

Access and Accommodations: Your experience in this class is important to us, and it is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law. If you experience barriers based on disability, please seek a meeting with DRS to discuss and address them. If you have already established accommodations with DRS, please communicate your approved accommodations to your instructor at your earliest convenience so we can discuss your needs in this course. Disability Resources for Students (DRS) offers resources and coordinates reasonable accommodations for students with disabilities. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. If you have not yet established services through DRS, but have a temporary or permanent disability that requires accommodations (this can include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 206-543-8924, Mary Gates Hall 011, uwdrs@uw.edu or disability.uw.edu.

Academic Conduct. We will enforce strictly the University of Washington's Student Conduct Code, including the policy on plagiarism. Violations of the Student Conduct Code, including plagiarism, can result in a variety of disciplinary actions, including suspension or permanent dismissal from the University. The entire code can be found at

<http://www.washington.edu/cssc/for-students/academic-misconduct/>

Plagiarism and Academic Misconduct

(the following is an excerpt from the UW Undergraduate Academic Affairs website on Academic

Misconduct: <http://www.washington.edu/uaa/advising/finding-help/not-doing-well/>

You are guilty of cheating whenever you present as your own work something that you did not do. You are also guilty of cheating if you help someone else to cheat.

Plagiarism

One of the most common forms of cheating is *plagiarism*, using another's words or ideas without proper citation. When students plagiarize, they usually do so in one of the following six ways:

1. *Using another writer's words without proper citation.* If you use another writer's words, you must place quotation marks around the quoted material and include a footnote or other indication of the source of the quotation.
2. *Using another writer's ideas without proper citation.* When you use another author's ideas, you must indicate with footnotes or other means where this information can be found. Your instructors want to know which ideas and judgments are yours and which you arrived at by consulting other sources. Even if you arrived at the same judgment on your own, you need to acknowledge that the writer you consulted also came up with the idea.
3. *Citing your source but reproducing the exact words of a printed source without quotation marks.* This makes it appear that you have paraphrased rather than borrowed the author's exact words.
4. *Borrowing the structure of another author's phrases or sentences without crediting the author from whom it came.* This kind of plagiarism usually occurs out of laziness: it is easier to replicate another writer's style than to think about what you have read and then put it in your own words. The following example is from *A Writer's Reference* by Diana Hacker (New York, 1989, p. 171).
 - **Original:** *If the existence of a signing ape was unsettling for linguists, it was also startling news for animal behaviorists.*
 - **Unacceptable borrowing of words:** *An ape who knew sign language unsettled linguists and startled animal behaviorists.*
 - **Unacceptable borrowing of sentence structure:** *If the presence of a sign-language-using chimp was disturbing for scientists studying language, it was also surprising to scientists studying animal behavior.*
 - **Acceptable paraphrase:** *When they learned of an ape's ability to use sign language, both linguists and animal behaviorists were taken by surprise.*
5. *Borrowing all or part of another student's paper or using someone else's outline to write your own paper.*
6. *Using a paper writing "service" or having a friend write the paper for you.* Regardless of whether you pay a stranger or have a friend do it, it is a breach of academic honesty to hand in work that is not your own or to use parts of another student's paper.

Note: *The guidelines that define plagiarism also apply to information secured on internet websites. Internet references must specify precisely where the information was obtained and where it can be found.*

Seek out support: The instructor and TAs in this course are here to help you utilize proper citation techniques, please seek out their assistance. This course will use the VeriCite platform to help support student learning and proper citation practices. Students will be given the chance to check and edit their research paper in advance. The Political Science Writing Center has an excellent handout on best practices for citation and how to avoid plagiarism.

<http://depts.washington.edu/pswrite/Handouts/Plagiarism.pdf>

CLASS SCHEDULE

PART I: LAW, DISPUTE RESOLUTION AND COURTS

- Thursday, September 27: Introduction to the course
Reading: *Mother and Child Reunion*
- Tuesday, October 2: Norms, rules, law
Reading: Collier, *Law, and Social Change in Zinacantan*
- Thursday, October 4: The Logic of Courts/ Dyadic and Triadic Conflict Resolution
Reading: Shapiro, *Judges as Liars*.
Reading: Graglia, *Do Judges have a Policy-making Role in the American System of Government?*
Reading: Merrill, *A Modest Proposal for a Political Court*.
- Tuesday, October 9: The American Legal System in Comparative Perspective
Reading: Reinhardt, *The Supreme Court as a Partially Political Institution*.
Reading: Scalia, *The Rule of Law as a Law of Rules*.

PART II: CONSTITUTIONAL COURTS IN DEMOCRACIES

- Thursday, October 11: The Politics of Judicial Review
Reading: Stone Sweet, *Constitutional Courts and Parliamentary Democracy*
- Tuesday, October 16: Case Study: France
Reading: *News articles*
 - <https://www.theguardian.com/world/2017/mar/14/headscarves-and-muslim-veil-ban-debate-timeline>
 - <http://www.cnn.com/2016/08/19/europe/burqa-burkini-bans/>Reading: *S.A.S Commentary*
Reading: *S.A.S vs. France European Court of Human Rights Ruling*
- Thursday, October 18: Constitutional Politics and Rights Protection
Reading: Hirschl, *The Judicialization of Mega Politics and the Rise of Political Courts*
- Tuesday, October 23: Case Study: Japan and Comparative Conclusions
Online Podcast: Frank Upham Lecture: Japan's Activist Courts
<http://web.international.ucla.edu/institute/article/88393>
(podcast link is at the bottom of the page)
- Thursday, October 25: **Mid Term Exam**

PART III: CONSTITUTIONAL COURTS IN TRANSITION SOCIETIES

- Tuesday, October 30: Conceptualizing Judicial Power in Transition and One Party Regimes
Reading: Stern, *On the Frontlines: Making Decisions in Chinese Civil Environmental Lawsuits*
- Thursday, November 1: Courts in New Democracies
Reading: Gloppen & Kanyongolo, *Courts and the Poor in Malawi: Economic Marginalization, Vulnerability and the Law*
- Tuesday, November 6: Case Study: Taiwan
Reading: Taiwan Council of Grand Justice, *Interpretation #748*
Reading: Lin, *Analysis of Taiwan CGJ Interpretation #748*
- Thursday, November 8: Case Study: S. Korea
Reading: Ginsburg, *The Constitutional Court and the Judicialization of Korean Politics*

PART IV: INTERNATIONAL COURTS

- Tuesday, November 13: Court of Justice of the European Union (CJEU or ECJ) and Theories of Legal Integration
Reading: Davies, *Activism Relocated: The Self-restraint of the European Court of Justice in its National Context*
- Thursday, November 15: Judicial Rulemaking and the CJEU or ECJ
Case Study: Women's Rights
Reading: Cichowski, *Women's Rights, the European Court and Supranational Constitutionalism*
- Friday, November 16: Research Papers due in Quiz Section and online**
- Tuesday, November 20: No lecture class meeting. **Out of class Writing Assignment due online on Wednesday, November 21, 10pm.**
- Thursday, November 22: UW Holiday, Thanksgiving, no lecture class meeting**
- Tuesday, November 27: European Court of Human Rights (ECtHR)
Reading: Helfer & Voeten, *International Courts as Agents of Legal Change*
- Thursday, November 29: European Court of Human Rights
Reading: Cichowski, *The ECHR, Amicus Curiae and Violence against Women*
- Tuesday, December 4: International Criminal Court (ICC)
Reading: Mayerfeld, *Who Shall Be Judge?*
- Thursday, December 6: Comparative International Courts
- Wednesday, December 12: FINAL EXAM 4:30 – 6:20PM in JHN 102**