

Course Syllabus Fall 2016

Course Information

Comparative Courts and Law
PSCI 6342
Classroom: GR 3.606

40 hours in class with 4 to 6 hours online

Friday, August 26th 7-10 pm
Saturday, September 17th 9 am-5 pm
Saturday, October 8th 9 am-5 pm
Saturday, October 29th 9 am-5 pm
Saturday, November 19th 9 am-5 pm
Saturday, December 3rd 9 am-5 pm

Professor Contact Information

Professor Linda Camp Keith
Office: Green 3.818
Email: linda.keith@utdallas.edu
Phone: 972-883-6481

Course Pre-requisites, Co-requisites, and/or Other Restrictions

This is a graduate course. Students should be enrolled in a graduate program or have appropriate permissions.

Course Description

The purpose of this graduate seminar is to survey the growing body of comparative research on courts, law and justice issues. The course will examine a selection of topics within this broadly defined field. The course will examine both qualitative and quantitative work. These examinations will span comparative politics, international relations, and the broader sub-field of public law.

In particular this semester we will cover five key books that reflect the state of the comparative courts field. These cover specifically five core topics 1) judicial selection and judicial power (comparative and international), 2) the role of judges and politics in democracies and dictatorships (Chile), 3) international human rights tribunals and compliance (European Court of Human Rights and the Inter-American Court of Humans), 4) exceptional courts and military tribunals (U.S., comparative, and international), and 5) truth commissions.

This selection of reading will complement the course of study in the law and courts proseminar and the constitutional law workshop, regardless of the sequence of the courses. The course counts are Comparative/IR or as a Law and Courts class.

Student Learning Objectives/Outcomes

Upon completing this course, students will be able to fulfill the following objectives:

- Will demonstrate an ability to engage in critical analysis of both theory and methods, to synthesize and integrate across a literature, and write at a level that is appropriate for our profession
- Will be able to discuss and assess the major theories on the development of role of international human rights courts and state compliance with the courts.
- Will be able to discuss and assess theories and empirical studies concerning the use of exceptional courts.
- Will be able to discuss and assess the various truth commission mechanisms and their impact within transitional regimes.

Required Textbooks

- Lisa Hilbink. 2007. *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile*. Cambridge University Press.
- Courtney Hillebrecht. 2014. *Domestic Politics and International Human Rights Tribunals*. Cambridge University Press.
- Bosco, David. 2014. *Rough Justice: The International Criminal Court in a World of Politics*. Oxford University Press.
- Priscilla Hayner. 2011. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions, 2nd Edition*. Routledge.
- Fionnuala Ní Aoláin and Oren Gross. 2013. *Guantánamo Bay and Beyond: Exceptional Courts and Military Commissions in Comparative Perspective*. Cambridge University Press.

GRADING POLICY

GRADING SCALE:

A = 94-100% A- = 90-93%
B+ = 88-89% B = 84-87%
B- = 80-83% C+ = 78-79%
C = 74-77% F = 73 and below

GRADING COMPONENTS:

TWO SYLLABUS OPTIONS: Comprehensive Exam Option and Research Paper Option

Students have two syllabus options from which they may choose.

Comprehensive Exam Option:

Class Participation 10%

In Class Reports/Synopses 10%

Lab Assignments 10%

3 Critical Essays 30%

Exam 40%

Research Paper Option:

Class Participation 10%

In Class Reports/Synopses 10%

Lab Assignments 10%

2 Critical Essays 20%

Research Paper 50%

WRITING APPROPRIATELY FOR YOUR PROFESSION is key objective of all graduate Political Science seminars. In this class students will essays, exams or papers that require the students to synthesize and integrate a body of studies, to critical analyze the literature, and assess the implications and future path of the particular literature(s). These skills are crucial for passing comprehensive exams, publishing in your field, or contributing to any professional field you choose.

NOTE ON CLASS PARTICIPATION: In graduate courses students are typically assigned, on average, four scholarly articles or the equivalent a week. For our six Saturday classes students will have approximately 2 ½ weeks to read, so the schedule of readings will typically then be around 8 to 9 articles/chapters. The participation-related component of the course has FOUR components: Participation (questions and discussion), In Class Reports/Synopses, Lab Assignments, and Class Short Papers.

CLASS PARTICIPATION (10%):

In a graduate course, participation in the class seminar is the core learning methodology. Students are expected to read all of the assigned readings and to come to class prepared to contribute significantly to the discussion of these materials. Students will be graded on the consistency and quality of their contribution to class discussion, including the first night of class. My experience is that the two to three weeks between classes, coupled with the essay writing components will allow students to read and process the material more fully than in a non-traditional class.

Synopses: I will also assign one student per reading to give a brief synopsis of each reading as we begin the discussion of the assigned reading. It will likely be that each student will be assigned three articles to make the opening comments over the course of the semester.

Discussion Questions: For each of Saturday class period students are responsible for writing four discussion questions (each must be from a different reading or chapter). You may submit overarching questions as well. The questions should be thought-provoking and written to stimulate scholarly conversation. Please do not write factual questions or leading questions in which you inherently state your position in the question. The idea is to generate discourse. I will post a set of reading questions that cover the factual content.

The questions should be emailed to me as a Word document (do not imbed into the email) by 5 pm on the Friday before the class. For each question, **please reference the appropriate reading (author or if a book chapter as well).** I will compile a list that includes a selection of student questions plus my additional questions that will be used for class discussion. I will email out copies of the list of questions on Friday evening. Students will be graded on the quality and timely submission of questions for the class. Late questions will not receive credit.

CRITICAL ESSAY COMPONENTS (10% EACH):

IMPORTANT: Students working the PAPER option will write TWO critical essays and students working the EXAM option will write THREE essays.

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Thus critical essay will be INTEGRATIVE critical reviews of the material. They must SYNTHESIZE the particular set of readings. I will give Identify and discuss the key research questions the body of works explore. You are addressing a body of works not four or five individual articles. Your essay should include the following components in the following order: 1) identify and discuss the core theory that informs the explorations and the resulting hypotheses that the body of works examines; 2) identify, discuss and compare the means the various authors employ to test the hypothesis (methodology, measurement); 3) describe the key findings in regard to the set of questions you identified; 4) assess the contributions and implications of the findings; and 5) assess the limitations of these studies; and 6) assess and make suggestion for future research that would build upon and improve this body of work. You may not write an article-by-article treatment. These essays MUST be integrative and synthesize across the works. The essays should be approximately 5 pages single-spaced. Email me a copy of your essay before class and bring a paper copy for me to class as well. Critical essays are due at the beginning of class. *No late essays will accepted.*

FINAL EXAM OPTION: Comprehensive Exam (40%)

The final exam will be a comprehensive take home essay exam. Exam questions will be given out two weeks before the due date. The exam will be set up like a traditional comps exam with some constrained choice. More details will be announced.

RESEARCH PAPER OPTION: *Research Paper* (50%)

You will complete an article length paper of publishable quality on a topic of your choosing covering the course topic. For Ph.D. students, there are two requirements for this paper: (a) you must generate a testable hypothesis derived from a full literature review and (b) you must test the hypothesis using empirical analysis. MA students may consult with me about the possibility of a paper that would be appropriate for their degree if you are more interested in the research paper option than the exam option. Students will prepare a research proposal (10% of the paper grade) that they will present to the class for peer review and suggestions from me (depending upon the timing, this may be online or in-class).

ONLINE COMPONENT/INDEPENDENT EXPLORATIONS (10 percent):

For the online component students will engage in two independent readings in the comparative courts literature. I encourage you to read on topics not covered in the course selection here, such as empirical work on judicial selection, lawyer quality, public support for courts, judicial decision-making, and so forth.

Students will write a two-page, single-spaced critical review of the article they have read and share the review with the class online. Students will select an assigned number of reviews to read and discuss with the author. More details will be announced in class.

FINAL EXAM: The final exam will be a comprehensive take home essay exam, with some constrained choice. Exam questions will be given out two weeks before the due date.

Course & Instructor Policies

Missed Class: With only five long sessions and one short session attendance is a must. For all absences students must contact me prior to the beginning of the missed class. If you miss a class for a documented, university-excused reason, you will be allowed to make up ONE class by writing a fifth critical review essay on readings assigned by the professor. Students may not make up more than one absence, for any reason. Any subsequent absence will result in a zero for your participation grade that week.

Elearning: Students should consult the class elearning website for announcements and updates to the syllabus.

Additional UT DALLAS Policies may be found at: <http://go.utdallas.edu/syllabus-policies>

TOPICS AND SCHEDULE OF READING ASSIGNMENTS and DUE DATES:

Class One, Friday, August 29

Introduction to the course.

Class Two, Saturday, Sept. 13

Hilbink: *Judges beyond Politics in Democracy and Dictatorship*

Read all 6 chapters

Documentary (in class): *The Judge and the General*

Critical Essay Option One due (material from Class One and Class Two—cover intro and conclusion material plus your choice of FOUR of the country chapters assigned)

Class Three, Saturday, Oct. 4

Hillebrecht: *Domestic Politics and International Human Rights Tribunals*

Read all 8 chapters

Critical Essay Option Two due

Class Four, Saturday, Oct. 24

Bosco, David. 2014. *Rough Justice: The International Criminal Court in a World of Politics*. Oxford University Press.

Documentary: *The Reckoning: The Battle for the International Criminal Court*

Critical Essay Option Three due

Class Five, Saturday, Nov. 15 (8:30-5:30 pm)

Priscilla Hayner. 2011. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd Edition. Routledge.

Documentary (in class): *Fambul Tok*

Critical Essay Option Five due

Class Six, Friday, Dec. 5

Ní Aoláin and Gross: *Guantánamo Bay and Beyond*

From Part One

- Ní Aoláin and Gross, Introduction
- Chomsky, Chapter Two (U.S.)
- Solis, Chapter Three (U.S.)

From Part Two

- Chapter 9 (Canada)
- Chapter 11 (UK)
- Chapter 12 (Israel)
- Chapter 13 (India)

From Part Three

- Chapter 14 (Right to a Fair Trial)

Critical Essay Option Five due cover intro and conclusion material plus your choice of FOUR of the other chapters assigned)

FINAL exams will be due by email no later than Saturday, December at 8 am.