

## **Law and Justice Around the World (Fall 2016)**

George Mason University  
CRIM 405.002, Robinson Hall, Room B228  
Mondays, 10:30 am to 1:10 pm  
Instructor: Dr. Andrew Novak, Esq.

### **Objective of the Course**

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Welcome to Law and Justice Around the World, the undergraduate international and comparative criminal justice course in the Department of Criminology, Law, and Society at George Mason University. The course will survey the different approaches and methods to criminal justice used in different societies, at country, regional, and international levels. The course will include all aspects of a criminal justice regime, from investigation and law enforcement to sentencing and corrections, as well as the special topics of terrorism, juvenile justice, and transnational organized crime. Several central questions will be addressed: what are the advantages and disadvantages of various criminal justice systems, and how effectively do they operate? As the world is becoming more globalized, local issues become more salient. Are justice systems becoming more similar, or more different? What is the relationship between domestic and international criminal justice? How do they influence one another?

### **About the Instructor**

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I am an adjunct professor of criminology, law, and society at George Mason University. I have also taught African law at American University, Washington College of Law, and written five books: *The Global Decline of the Mandatory Death Penalty*, *The Death Penalty in Africa*, *The International Criminal Court: An Introduction*, *Comparative Executive Clemency*, and *The African Challenge to Global Death Penalty Abolition*. I practice law full time and have previously worked as a judicial law clerk and law school career counselor. I have a Master of Science in African Politics from the London School of Oriental and African Studies, a Juris Doctor from Boston University, and a Ph.D. in law from Middlesex University in London.

Email: [anovak2@gmu.edu](mailto:anovak2@gmu.edu)

### **Office Hours**

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I will hold office hours each week, typically after class at 1:10 pm. It is unlikely that I will be on campus other than on Mondays. I will typically end the course about 10 minutes early because I do not give a mid-class break.

### **Global Understanding**

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This course satisfies GMU's Global Understanding general education requirement. Courses in the global understanding course stream have three learning objectives: (1) demonstrate understanding of global patterns and processes; (2) demonstrate understanding of the interconnectedness, difference, and diversity of a global society; and (3) explore individual and

collective responsibilities within a global society, including through responses to global problems. I believe the course will do all of these and more.

## Required Materials

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This course has two required textbooks:

- *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America*, John Henry Merryman and Rogelio Perez-Perdomo (3rd ed., Stanford University Press, 2007)
- *The International Criminal Court: An Introduction*, Andrew Novak (Springer 2015)
  - NOTE: This book is available electronically for free because GMU subscribes to the SpringerLink database. The e-copy is not catalogued separately on the library website; you must search for the SpringerLink database on the library website, log in, and then search for the book. You will be able to download chapters free *or* purchase a digital print-on-demand paperback copy for \$24.99.

In addition, there are other readings listed in the electronic course reserves section on Blackboard (primarily related to the second half of the class). You are responsible for the readings before you come to class each week.

## Grading Criteria

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Your grade will be based on a total of 5 assignments.

- 3 quizzes on Blackboard (For a total of 50% of the grade). Each will be based on course readings and the materials we use in class. You will have a week to take each one, on your own time. Objective questions will be automatically scored and we will go over them in the following class.
- 2 short research papers (2-3 pages, 25% each, for a total of 50% of the grade), or, as explained below, a single book review due at the end of the course (50% of your grade). The parameters of the papers are below. The papers must be uploaded to Blackboard or submitted in class on the deadline. Papers may not be emailed.
- Extra credit policy: I will grant extra credit (half a point to your final grade) for attendance at specific on-campus events during the semester.

Below is the grading scale used for the course. I will not use the grades “D+” or “D-.”

98-100	A+
93-97	A
90-92	A-
88-89	B+
83-87	B

80-82	B-
78-79	C+
73-77	C
70-72	C-
60-69	D
<60	F

In addition, in the event that I must calculate grade fractions, I will always round up to the next highest point if you have a 0.45 or higher.

### **Minimum Attendance Policy**

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This course has a minimum attendance policy. There are thirteen classes in addition to the introductory class. You must attend **SEVEN** of them, not including the introductory class, or your grade will be reduced by one increment (for instance, an A- to a B+). If you are unable to make it to seven classes, please let me know as soon as possible and we can work out an alternate arrangement. If we miss or skip one class, the “minimum attendance” requirement will drop to six classes.

Participation requirement: If you attend TEN classes, I will drop your lowest quiz grade in calculating your grade. If we miss or skip one class, this requirement will drop to nine classes. If you follow the class Twitter account, you will receive ONE FREE ATTENDANCE. I will ask for this information later in the semester.

Note: To discourage you from leaving early, attendance is taken at the END OF CLASS. If you must leave early, see me before class starts to sign in.

### **Twitter**

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Students are advised that there is a Twitter handle for the course, **@GMUCRIM405**. I will use the Twitter handle to share news articles about current events relating to international and comparative criminal justice. I will begin each class with a rundown of current events. Feel free to tweet relevant articles at the account, and I can retweet them to the class.

### **Makeup Exam and Late Paper Policy**

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Because your quizzes will be done entirely on Blackboard over the course of a full week, there will be no opportunities for makeup quizzes or for extended time. If you have a serious, late-breaking emergency that requires your absence for more than a week, let me know as soon as possible. I cannot reveal answers to the quizzes until everyone (who wants to) has taken them. ALL QUIZZES WILL CLOSE BY 10:30 A.M. ON MONDAY.

A course incomplete may be given to students who have not completed the writing assignments for this course in time for final grades, with excused absences (but no incompletes will be given for students who missed quizzes). Late papers will be subject to a grade reduction without an appropriate excuse.

## Reading Assignments and Schedule of Classes

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### **Monday, August 29**

*Topic:* Introduction to the course

*Workshop:* Comparing constitutions, introductory survey

### **Monday, September 5**

LABOR DAY: NO CLASS

**[September 6: Add-Drop (No Penalty) Deadline]**

### **Monday, September 12**

*Topic:* Common Law and Civil Law I: Historical origins

*Readings:* Merryman/Perez-Perdomo, Chapters 1 to 5 (pages 1 to 33)

*Workshop:* Careers in international and comparative criminal justice

### **Monday, September 19**

*Topic:* Common Law and Civil Law II: Sources and organization of law

*Readings:* Merryman/Perez-Perdomo, Chapters 6 to 10 and 12 (pages 34 to 68, but read last two paragraphs on pages 78 and 79, and pages 80-86)

*Workshop:* Constructing a common law system

**[September 20: Drop (33% Tuition Penalty) Deadline]**

### **Monday, September 26**

*Topic:* Common Law and Civil Law III: Courts, procedure, and the legal profession

*Readings:* Merryman/Perez-Perdomo, Chapters 12 to 17 (pages 87 to 133)

*Workshop:* Researching international and legal sources

**[September 30: Drop (67% Tuition Penalty) Deadline]**

### **Monday, October 3**

*Topic:* European law and convergence; indigenous and customary law; legal hybrids; China

*Readings:* Merryman/Perez-Perdomo, Chapters 18 to 20 (pages 134 to 160)

*Workshop:* Comparing customary and non-Western laws

BLACKBOARD QUIZ: Common law versus civil law (will be live on Blackboard from Monday, October 3 to Tuesday, October 11)

### **Monday, October 10**

COLUMBUS DAY: NO CLASS

## **Tuesday, October 11**

*Topic:* Islamic law and juvenile justice

*Readings:* (On electronic course reserve and Blackboard) Wael B. Hallaq, AN INTRODUCTION TO ISLAMIC LAW (Cambridge University Press 2009), chapters 2 (pages 14 to 30).

*Workshop:* Mercy and comparative pardons

## **Monday, October 17**

*Topic:* Introduction to International Criminal Justice

*Readings:* Novak, Chapters 1-2 (pages 1-20)

Deadline for optional submission of early papers for students who want feedback on their writing before submitting the paper for a grade (please submit by email, not Blackboard)

## **Monday, October 24**

*Topic:* The International Criminal Court I: Origins and Jurisdiction

*Readings:* Novak, Chapters 3-4 (pages 23-59)

*Workshop:* International Criminal Court “scenarios”

## **Monday, October 31**

*Topic:* The International Criminal Court II: Investigation, prosecution, and sentencing

*Readings:* Novak, Chapters 5-6 (pages 63-99)

BLACKBOARD QUIZ: International Criminal Court, Islamic law, and juvenile justice (will be live on Blackboard from October 31 to November 7)

FIRST PAPER DUE (2-3 pages)

## **Monday, November 7**

*Topic:* The Death Penalty I: United States and Europe

*Reading:* Evi Girling, “European Identity and the Mission Against the Death Penalty in the United States,” in CULTURAL LIVES OF CAPITAL PUNISHMENT (Sarat/Boulanger eds., Stanford University Press, 2005)

*Workshop:* Death penalty constitutional provisions

## **Monday, November 14**

*Topic:* The Death Penalty II: Asia, Islamic world, Africa

*Reading:* Franklin E. Zimring, “State Execution: Is Asia Different and Why?,” in CONFRONTING CAPITAL PUNISHMENT IN ASIA: HUMAN RIGHTS, POLITICS, AND PUBLIC OPINION (Roger Hood & Surya Deva, eds., Oxford University Press, 2013).

*Workshop:* Death penalty statutes

## **Monday, November 21**

*Topic:* Policing in a global world

*Reading:* Harry Dammer, "Policing in Selected Countries: Organization and Structure," in *COMPARATIVE AND INTERNATIONAL POLICING, JUSTICE, AND TRANSNATIONAL CRIME* (Kethineni, ed., 2nd ed., Carolina Academic Press, 2014).

*Workshop:* Comparative exclusionary rule

## **Monday, November 28**

*Topic:* Transnational Crime: Corruption, Terrorism, Drug Trafficking

*Reading:* Peter Andreas, "Illicit Globalisation: Myths, Misconceptions, and Historical Lessons," 126(3) *POLITICAL SCIENCE QUARTERLY* 403-425.

*Workshop:* TBD

Deadline for optional early submission of the book review for people who want comments on their writing before turning in their final papers. This option is only available to persons writing the book review (please submit by email, not Blackboard).

## **Monday, December 5**

*Topic:* INTERPOL and international policing cooperation

*Reading:* Mathieu Deflem & Shannon McDonough, "International Law Enforcement Organizations," in *COMPARATIVE AND INTERNATIONAL POLICING, JUSTICE, AND TRANSNATIONAL CRIME* (Kethineni, ed., 2nd ed., Carolina Academic Press, 2014).

*Note that this course period will also serve as a make-up day if we miss a week of class, in which case I will move INTERPOL to the same week as global policing.*

BLACKBOARD QUIZ: Death Penalty, global policing, and transnational crime (will be live on Blackboard between December 5 and December 12)

## **Monday, December 12**

SECOND PAPER DUE (or book review due) (2-3 pages)

### **Writing Assignment Guidance**

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You will have to write two short papers for this course (2-3 pages each). They may be on a topic of your choice, though they must relate to the topic of the course, namely *international or comparative law or criminal justice*. Certainly, the International Criminal Court, domestic legal systems, comparisons among different countries, foreign criminal concepts or the death penalty, and transnational crime topics are all fair game. Papers that relate solely to the domestic law or policy of the United States without an international component are discouraged, but you are welcome to compare the United States to another country or to international law.

I will tell you more about the format of the papers in class. You are required to cite at least three sources in each of the papers, including at least one scholarly or academic source OR one legal

source, such as a constitution or court decision. I recommend looking at newspaper articles and writing about a current event, but you are by no means limited to this and may write about historical events. I am happy to help you think of topics.

Think of these papers as writing assignments, not as research papers. You are graded in large part on how you write. Conciseness is a major criterion of your grade, so “filler,” formatting tricks, or excessively long papers will not help your grade and may hurt. I will reward originality of topic and thought, but papers must be written as a formal research paper. I will have a supplemental handout about what I am looking for to be distributed in class and posted on Blackboard.

In general, I am happy to look at papers one time before you submit them in case you would like a better idea of how I will grade them. Submitting a draft to me by email or in person two weeks before the due date would be helpful.

ALTERNATIVELY, you may write a 2-3 page book review on one of the following four books in lieu of writing two short papers. If you choose this option, you only need to write ONE PAPER, which will count for 50% of your grade. It will be due on December 12, 2016, but you are encouraged to submit a draft of your paper early. The books are exclusive; no other books will satisfy this requirement. The books are:

- Nils Christie, LIMITS TO PAIN: THE ROLE OF PUNISHMENT IN PENAL POLICY (Eugene, Oregon: Wipf & Stock, 1981), 122 pages. (The book is a short study of the philosophy of punishment, written from a Norwegian/Scandinavian perspective).
- David Bosco, ROUGH JUSTICE: THE INTERNATIONAL CRIMINAL COURT IN A WORLD OF POWER POLITICS (New York, NY: Oxford University Press, 2014), 297 pages. (The book is about the United States and the negotiation of and early operations of the International Criminal Court).
- Mary Ann Glendon, A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (New York, NY: Random House, 2002), 333 pages. (The book is a historical account of Eleanor Roosevelt’s term as U.S. Ambassador to the UN Human Rights Commission under President Truman).
- Stephen Breyer, THE COURT AND THE WORLD: AMERICAN LAW AND THE NEW GLOBAL REALITIES (New York, NY: Alfred A. Knopf, 2015). (The book is Justice Breyer’s defense of the U.S. Supreme Court for using international and foreign law in its decision-making process).

## **Honor Code Policy**

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Available on the web at [academicintegrity.gmu.edu](http://academicintegrity.gmu.edu). Mason shares in the tradition of an honor system that has existed in Virginia since 1842. The code is an integral part of university life. On the application for admission, students sign a statement agreeing to conform to and uphold the Honor Code. Students are responsible, therefore, for understanding the code’s provisions. In the

spirit of the code, a student's word is a declaration of good faith acceptable as truth in all academic matters. Cheating and attempted cheating, plagiarism, lying, and stealing of academic work and related materials constitute Honor Code violations. To maintain an academic community according to these standards, students and faculty members must report all alleged violations to the Honor Committee. Any student who has knowledge of, but does not report, a violation may be accused of lying under the Honor Code.

The complete Honor Code is as follows: To promote a stronger sense of mutual responsibility, respect, trust, and fairness among all members of the George Mason University community and with the desire for greater academic and personal achievement, we, the student members of the university community, have set forth this honor code: Student members of the George Mason University community pledge not to cheat, plagiarize, steal, or lie in matters related to academic work.

Cheating encompasses the following: 1. The willful giving or receiving of an unauthorized, unfair, dishonest, or unscrupulous advantage in academic work over other students. 2. The above may be accomplished by any means whatsoever, including but not limited to the following: fraud; duress; deception; theft; trick; talking; signs; gestures; copying from another student; and the unauthorized use of study aids, memoranda, books, data, or other information. 3. Attempted cheating.

Plagiarism encompasses the following: 1. Presenting as one's own the words, the work, or the opinions of someone else without proper acknowledgment. (This includes material appearing on the Internet). 2. Borrowing the sequence of ideas, the arrangement of material, or the pattern of thought of someone else without proper acknowledgment.

Lying encompasses the following: The willful and knowledgeable telling of an untruth, as well as any form of deceit, attempted deceit, or fraud in an oral or written statement relating to academic work. This includes but is not limited to: 1. Lying to administration and faculty members. 2. Falsifying any university document by mutilation, addition, or deletion. 3. Lying to Honor Committee members and counsels during investigation and hearing. This may constitute a second charge, with the committee members who acted as judges during that specific hearing acting as accusers.

Stealing encompasses the following: Taking or appropriating without the permission to do so, and with the intent to keep or to make use of wrongfully, property belonging to any member of the GMU community or any property located on the university campus. This includes misuse of university computer resources.

### **Disability Accommodations**

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If you have a documented learning disability or other condition that may affect academic performance you should (1) make sure this documentation is on file with Office for Disability Services (SUB I, Rm. 4205; 993-2474; <http://ods.gmu.edu>) to determine the accommodations you need; and (2) talk with me to discuss your accommodation needs. I want to be helpful.