

Law & Justice Around the World
CRIM 405-005
Spring 2020

Professor: Alan D. Swanson, PhD Law
Office and Office Hours: Location Fenwick, Glass Hallway—Common Area,
1st Floor near *Argo Tea Cafe*
Weds, 10:30 am–11:30 am or by appointment

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Class Meeting Time/Place: Mondays and Weds., Noon-1:15 pm, Krug Hall 210

We are told that the world is becoming smaller (or, “flat”), yet there are still many differences in the criminal justice systems used around the world. This course tries to bridge the gap in our knowledge by introducing students to various models of law and justice and exploring the ways in which individual countries apply these models for their own use. This will enable us to identify and articulate our values and how those values influence individual and systemic interactions and relationships with others, both locally and globally; Specifically, as it relates to criminal justice systems, and throughout societies in general. In addition to furthering our understanding of how the patterns and processes of globalization make visible the interconnections and differences among and within contemporary global societies, this course will challenge the assumptions and predispositions of the belief that “borrowing” from other countries and cultures is a one-way street (i.e., it is fine for others to use the US Criminal Justice System as a model, but, we have no need to apply best practices from other countries and cultures). We examine all aspects of a justice system, from courts to corrections, from police to constitutional standards. Along the way we ask two central questions: what are the advantages and disadvantages of the various models, and how effectively do they operate? This course is for the curious. Every class period, we will extend our scope beyond that which is covered in to textbook due to recent changes to various countries’ political coalitions since the publication of the book’s current edition, with the goal of exploring individual and collective responsibilities within a global society through analytical, practical, or creative responses to problems or issues. Students are encouraged to investigate topics of global criminal justice questions that interest them and scan the news for stories of such issues; These questions and issues will be weaved into the course.

Required Book: Philip L. Reichel, *Comparative Criminal Justice Systems: a topical approach*, Prentice Hall; Upper Saddle River, New Jersey, 7th edition, 2019.

Course Assignment Factors and Weight:

- **Class Participation**—(10%)
- **Tests**—(36%) 12% for each test—There will be four (4) tests of which the highest three (3) scores will be used to calculate your tests grade.
- **Homework**—(27%) 3% for each homework assignment (nine total). All homework must be **12 pt font, double spaced, typed and stapled** (i.e., no handwritten material will be accepted). Homework must be turned in on the date and time it is due—no late homework will be accepted (no exceptions unless *exempted* by Professor Swanson *prior* to the class period in which it was due).
- **Final Exam**—(27%) The exam is a combination of the last chapter and the major concepts and theories discussed and illuminated during the semester.

Schedule/ Readings and Due Dates

Class # 1– Weds., Jan. 22, 2020

Overview; Housekeeping; Historical Trial DVD/Common Law; Small Groups

Class #2 – Monday, Jan. 27

Reading: Reichel, Chapter 1, pp. 1-12.

Class #3 –Weds., Jan. 29

Reading: Reichel, Chapter 1, pp. 12-22.

Class #4 – Monday, Feb. 3

Reading: Chapter 2, pp. 23-54.

Homework 1—Politics Around the World

Visit <http://www.onlinenewspapers.com/> or <http://www.world-newspapers.com/> , and from the lists of newspapers around the world choose one paper to read for a week. With selections such as the Beirut Daily Star, the Canberra Times, the China Daily, the Guadalajara Reporter, The Guardian (Nigeria), the Jerusalem Post, the Times of London, the Toronto Star, and many others, you should easily find one that attracts your attention. News items related to politics will be found without difficulty, but during the week you may also come across stories about police courts, or prisons. At the end of the week, write a few paragraphs (no more than 750 words—**two pages, double spaced**) that describe your experience of reading a daily newspaper from another country and include specific examples of interesting facts and concepts you learned. (link good as of 12/16/2019)

Note: All **homework** submitted for grading must be turned in as a “**hard copy**” at the **beginning** of class (prior to Professor Swanson starting any portion of the lecture if you wish to receive full credit). Professor Swanson **will not** grade **electronically submitted** homework—all homework must be typed and printed.

Class #5 – Weds., Feb. 5

Homework 2— Foreign Terrorist Organizations

Find the US Department of State’s most current Country Report on Terrorism at <https://www.state.gov/j/ct/rls/crt/> Find the chapter on “Foreign Terrorist Organizations” (In 2017, it is Chapter 5). In that chapter, select any three organizations and read the information provided about each. Write several paragraphs comparing the three in terms of their history, activities, and area of operation. (link good as of 12/16/2019)

Note: The class prior to all “Test” dates will have a test review session. Professor Swanson will **not** e-mail the test review to anyone for any reason not covered by the Disability Resource Center. It is strongly recommended that you make friends with your fellow students (get their e-mail addresses and phone numbers) in the event that you are unable to attend the day of the review.

Class #6 – Monday, Feb. 10

Test #1: All material from Class #1 through Class # 5.

Class #7 – Weds., Feb 12

Readings: Reichel, Chapter 3 pp. 55-74.

Class #8 – Monday, Feb. 17

Readings: Feeley, Malcolm M., *Entrepreneurs of Punishment: How Private Contractors Made and Are Remaking the Modern Criminal Justice System - An Account of Convict Transportation and Electronic Monitoring*, Vol. 17:1, **Criminology, Criminal Justice, Law & Society** (2016) pp. 1-30.

This article (and others assigned during the semester) may be found by going to the GMU Library web page, click on **e-journals**, search for Criminology, Criminal Justice, Law & Society, then, select the appropriate provider, and select volume 17. It is usually better to do this **from campus** in order to gain full access to the system.

Homework 3—Aztec Law

Historical accounts of early legal systems often highlight ones in Europe or Asia. Of course, other parts of the world also had important legal traditions that, even if replaced by colonizers or conquerors, probably influenced contemporary legal systems. Visit the site on law in Mexico before the conquest (<http://tarlton.law.utexas.edu/aztec-and-maya-law/aztec-law>) and then write a few paragraphs describing the Aztec courts and the role of attorneys and judges. (link good as of 12/16/2019)

Class #9 – Weds., Feb. 19

Reading: Reichel, Chapter 4, 75-108.

Class #10 –Monday, Feb. 24

Homework 4—“Miranda Rights” in Other Countries

Go to <http://www.iranhrdc.org/english> (“English Translation of Books I & II of the **New Islamic Penal Code.**”) **Scroll down** to “Part Four—Conditions and Obstacles of Criminal Responsibility.” (**Do not click** on the **hyperlinks** on the page because they do not work as of 7/31/2019). Read through the various conditions (Articles 140-145) and obstacles of criminal responsibility (Articles 146-159). Write a few paragraphs in which you provide examples of criminal responsibility in Iran and provide your reaction to any similarities and differences that you find for Iran in comparison with Virginia and/or the USA. (link good as of 12/16/2019)

Class #11 – Weds., Feb. 26

Test #2: All material from Class #6 through Class #10.

Class #12 – Monday, March 2

Reading: Reichel, Chapter 5, 109-43.

Class #13 - Weds., March 4

Homework 5—Inside Spain’s Civil Guard

Read the article about Spain’s Civil Guard at

http://elpais.com/elpais/2014/10/20/inenglish/1413807111_949949.html and then write a few paragraphs that describe some items you found especially interesting. Do you get the impression that the Civil Guard will continue to be linked with the military? (link good as of 12/16/2019) Note: Site requires you to allow “cookies,” remember to delete the cookies after completing the homework.

Spring Break—No Class—March 9 and 11

Class #14 -Monday, March 16

Reading: Reichel, Chapter 6, 144-175

Class #15—Weds., March 18

Reading: Albanese, Jay S. and Kristine Artello, *The Behavior of Corruption: An Empirical Typology of Public Corruption by Objective & Method*, Vol. 20:1, **Criminology, Criminal Justice, Law & Society** (2019) pp. 1-12.

Class #16 - Monday, March 23

Test #3: All material from Class #11 through Class #15.

Class #17 - Weds., March 25

Reading: Reichel, Chapter 7, pp. 176-216.

Class #18 - Monday, March 30

Homework 6—The Scottish Verdict of “Not Proven”

In Scotland, a jury can return one of three verdicts: guilty, not guilty, or not proven. The “not proven” verdict which is likely unique to Scotland, has the same impact as a verdict of not guilty. Presumably, in returning a not proven verdict, the jurors may be sending a message that they feel the accused did indeed commit the crime, but that there was insufficient evidence to justify a conviction. Go to <http://www.bbc.com/news/uk-scotland-scotland-politics-35659541> and read the article, and then scroll down and start with the material under the heading “What is the not proven verdict?” Write a few paragraphs on whether you think the not proven verdict is appropriate and useful. Should the Scots keep it? Should other countries consider it? (link good as of 12/16/2019)

Class #19 - Weds., April 1

Reading: Reichel, Chapter 8, 217-257.

Class #20 - Monday, April 6

Homework 7—You Be the Judge

The website for the Judiciary of England and Wales provides an interesting interactive page at <http://www.vbtj.justice.gov.uk/>. At that page, watch the video on one case (you pick the one that interests you most) and then write down what you think should be the appropriate sentence. Write a paragraph or two that compare your sentence to the one actually imposed. Explain why you think there were differences or similarities in the sentences. (link good as of 12/16/2019)

Class #21 - Weds., April 8

Reading: Reichel, Chapter 9, 258-280

Class #22 - Monday, April 13

Homework 8—Death Penalty Database

Visit the International Juvenile Justice Observatory page at <http://www.oijj.org/en/sala-prensa/ji-in-world> to find current news stories on juvenile justice issue around to world. Read three or four of the stories and then write a few paragraphs that summarize the stories. Include your opinions regarding similarities and differences in juvenile justice issues compared with those in the United States. (link good as of 12/16/2019) Note: Site requires you to allow “cookies,” remember to delete the cookies after completing the homework.

Class #23 - Weds., April 15

Test #4: All material from Class #16 through Class #20.

Class #24 - Monday, April 20

Reading: Reichel, Chapter 10, 281-313.

Class #25 - Weds., April 22

Homework 9—Women and Foreign Prisoners Around the World

Visit the World Prison Brief page at <http://www.prisonstudies.org/highest-to-lowest/prison-population-total>, where you can select from several options for ranking countries by area and category. Select “Female prisoners” from the category dropdown box and press GO, then select “Entire World” for area. Click “Apply” and view the results. Write a paragraph describing your impression of the ranking. Comparing the countries at 10 percent and more with those at 3 percent and less, can you identify any common characteristic of countries in each grouping? Return to the starting page and now select “Foreign prisoners” from the category dropdown box and use “Entire World” again for area. Looking at the countries ranking in the top 15, write a paragraph suggesting reasons for why these countries might imprison such a high percentage of foreigners. (link good as of 12/16/2019)

Class #26 - Monday, April 27

Guest Lecturer—Please note that our guest will speak from her personal experiences with the *criminal justice system* and other *governmental systems* that interact with the *CJS*. Many of the topics are quite sensitive and personal (i.e., rape, child abuse, etc.); we are fortunate that she is willing to share her story in such a public forum.

Class #27 - Weds., April 29

No class, unless during the semester we have had a class cancellation. Thus, this time period is set *aside as a make-up* for any lost classes during the Fall Term.

Class #28 - Monday, May 4

Summary; Discussion of Final Exam;

Assignments: Extra-Credit

Final Exam—Monday, May 11, 2020 10:30 am - 1:15 pm

Honor Code Statement: <https://oai.gmu.edu/wp-content/uploads/2019/08/George-Mason-University-Honor-Code-2019-2020-final.pdf>

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.

Definitions

Cheating: Cheating encompasses the unauthorized use of, access to, or provision of academic work in an attempt to misrepresent a student's actual efforts. This includes submitting another individual's work for a grade, soliciting solutions/assignments from online websites, unauthorized collaboration, or failing to adhere to requirements (verbal and written) established by the professor of the course. Subcategories of cheating include but are not limited to:

- Use of unauthorized material
- Use of unauthorized assistance
- Duplicate use of student's work
- Providing or attempting to benefit from unauthorized academic material and assistance: This includes but is not limited to the posting or enabling of posting of homework assignments and/or exams or solutions on websites
- Submission of another individual's work
- Violation of course requirements regarding integrity: This includes syllabus violations as well as violations of instructions related to integrity that appear in the course.

Plagiarism: Plagiarism is defined as using another individual's ideas or words without attribution or credit. It also includes using prior work that has been submitted for credit or published in another venue as a new submission without citation. Using the ideas of others without proper attribution or citation is unethical and a violation of the Honor code. Subcategories of plagiarism include but not limited to:

- Self-plagiarism
- Inadequate citation
- False citation
- Failure to adhere to citation forms set by the professor
- Failure to quote sources or material

Plagiarism does not include mistakes in the format of a citation as long as the student has clearly indicated the materials quoted or relied upon and the source of the materials.

Stealing: Stealing from an academic perspective means obtaining and/or providing unauthorized access to educational materials. These materials might be tests or quizzes from faculty members, or they may be the work product of another student. Subcategories of stealing include but are not limited to:

- Removing an exam or other academic work from a classroom without authorization
- Taking photos of exams/academic work without authorization or permission
- Taking someone else's work without their knowledge

Lying: Lying in an academic context refers to providing information known to be false as a way to bypass classroom expectations or gain an unfair advantage in completing academic work. Subcategories of lying include but are not limited to:

- Falsifying sources, data, or information
- Providing a false excuse for missing a test or class
- Providing false information, including identifying information
- Falsifying official correspondence

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](http://ods.gmu.edu) (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.

Additional Information:

Grades will be assessed in the following manner:

97.50 to 100 = A+
92.50 to 97.499 = A
90.00 to 92.499 = A-

B (80s), C (70s), and D (60s) have the same point range with the exception that there is no "D+" or "D-".

Professor Swanson reserves the right to revise the syllabus.

Professor Swanson strongly suggests you visit during his office hours and/or talk with him before or after class about your class related concerns. He will make a concerted effort to be near the classroom (if not in it) 15 minutes prior to each class.

Professor Swanson highly recommends that you complete all work assigned. There is a *huge difference* between a grade and no grade. (For instance, if one does not submit three homework's, providing that all your other work is perfect, the best you could achieve grade-wise in the class is an "A-").

He even more *strongly recommends* that you **complete the extra-credit assignment**. Besides helping with your overall grade, it will give you a chance to test-out a possible career option and to network with professionals in your discipline.