

Law and Justice Around the World – SPRING 2022

CRIM 405.DL1 (Novak)

Online synchronous and asynchronous hybrid

Meeting times: Tuesdays, 10:30 am to 11:45 am

Office/student hours: Tuesdays, 12:00 pm to 12:30 pm, or by appointment

About the Instructor

I'm Andrew Novak, an Instructional Assistant Professor in the Criminology Department (and as of August 2022, Instructional Associate Professor!). I'm a lawyer by occupation, with a research interest primarily in international and comparative law. I write a lot about the death penalty, especially in the English-speaking world. Currently, I'm working on a big project on tribal court convictions, where I am analyzing the consequences of a criminal conviction and pardons/expungements among all 340 federally-recognized Indian tribes. I have a Master of Science in African Politics from the School of Oriental and African Studies, a Juris Doctor from Boston University School of Law, and a PhD from Middlesex University School of Law.

Email: anovak2@gmu.edu

Grading scale for the class

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.

Grading rubric

Your grade in this class is based on a cumulative point total.

12 Weekly Quizzes (15 points each): 180 points

12 Writing/Editing/Research Assignments (5 points each): 60 points

Total: 240 points (20 points available each week for 12 weeks)

Attendance

This course has a minimum attendance requirement. Other than the introduction class, you must attend 6 web conferences or your grade will be reduced by a flat 15 points.

If you attend at least 9 of 12 web conferences (other than the introduction class), I will give you a 100% on your lowest weekly quiz grade or assignment, whichever is more advantageous. I will add up to 15 points to your final point total.

Attendance at the web conferences is defined as being logged in for a critical mass of the class. Signing in and out is not an attendance. If you know in advance that you are unable to attend the web conference, please let me know. I will be able to offer you a conference call line so you can dial in. You may not attend the web conferences while driving. This includes the conference call line as well.

Readings

Evi Girling, "European Identity and the Mission against the Death Penalty in the United States" in Sarat and Boulanger eds. *The Cultural Lives of Capital Punishment: Comparative Perspectives* (Stanford University Press 2005), pages 112-128. **(Week 1)**.

Baz Dreisinger, "Private Prisons in Australia," in *Incarceration Nations: A Journey to Justice in Prisons Around the World* (Other Press 2016), pages 201-231. **(Week 2)**.

David T. Johnson & Franklin E. Zimring, "India" in *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia* (Oxford UP 2009), pages 423-442. **(Week 3)**.

David T. Johnson & Michelle Miao, "Chinese Capital Punishment in Comparative Perspective," in Bin Liang and Hong Ku eds. *The Death Penalty in China: Policy, Practice, and Reform* (Columbia UP 2016), pages 300-326. **(Week 4)**.

Abdulumuni Oba, "The Future of Customary Law in Africa," in *The Future of African Customary Law* (Jeanmarie French, Paolo Galizzi, and Tracy Higgins, eds., Cambridge University Press, 2012). **(Week 5)**.

Muhammad Habash, "Islamic Visions for the Abolition of the Death Penalty," in *Capital Punishment: A Hazard to a Sustainable Criminal Justice System?* (Lill Scherдин, ed., Ashgate, 2014). **(Week 6)**.

Andrew Novak, Excerpts from, *The International Criminal Court: An Introduction* (Springer 2016). **(Weeks 7 and 8)**.

Par Engstrom & Gabriel Pereira, "From Amnesty to Accountability: The Ebb and Flow in the Search for Justice in Argentina," in Lessa and Payne eds. *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives* (Cambridge UP 2012), pages 97-122. **(Week 9)**.

David T. Johnson, "Why Does Japan Retain Capital Punishment?" in *The Culture of Capital Punishment in Japan* (Palgrave 2020), pages 1-18. **(Week 10)**.

Nils Christie, Excerpts from *Limits to Pain: The Role of Punishment in Penal Philosophy* (Wipf and Stock 1981) and *A Suitable Amount of Crime* (Routledge 2004). **(Week 11)**.

Nils Christie, "Death as Punishment," in Lill Scherдин ed. *Capital Punishment: A Hazard to a Sustainable Criminal Justice System?* (Ashgate 2014), pages 61-75 **(Week 12)**.

Course schedule

Lectures, readings, online assignments, and quizzes each week are available on Blackboard.

Tuesday, January 25, 2022: Introductory class

Tuesday, February 1, 2022: Common/Civil Law I (Quiz/Assignment 1 due at 10:30 am)

No class on February 8, 2022.

Tuesday, February 15, 2022: Common/Civil Law II (Quiz/Assignment 2 due at 10:30 am)

Tuesday, February 22, 2022: Common/Civil Law III (Quiz/Assignment 3 due at 10:30 am)

Tuesday, March 1, 2022: European Integration and China (Quiz/Assignment 4 due at 10:30 am)

Tuesday, March 8, 2022: Hybrids and Customary Law (Quiz/Assignment 5 due at 10:30 am)

No class on March 5, 2022 (Spring Break)

Tuesday, March 22, 2022: Islamic Law (Quiz/Assignment 6 due at 10:30 am)

Tuesday, March 29, 2022: International Criminal Court I (Quiz/Assignment 7 due at 10:30 am)

Tuesday, April 5, 2022: International Criminal Court II (Quiz/Assignment 8 due at 10:30 am)

Tuesday, April 12, 2022: International Criminal Court III (Quiz/Assignment 9 due at 10:30 am)

Tuesday, April 19, 2022: Punishment and the Death Penalty (Quiz/Assignment 10 due at 10:30 am)

Tuesday, April 26, 2022: Policing and Juvenile Justice (Quiz/Assignment 11 due at 10:30 am)

Tuesday, May 3, 2022: Transnational Crime (Quiz/Assignment 12 due at 10:30 am)

Late Policy

You must take 12 weekly quizzes and 12 assignments this semester. These are not timed and do not need to be completed in one sitting. Therefore, ordinarily no extensions will be given. If you are unable to complete a quiz by the deadline, you must notify me within 48 hours. Once I reveal the answers to the class, you will not be able to take the same quiz. *I will create a makeup quiz for you, worth 10 of the 15 points.* You will be able to receive partial credit.

Because this quiz does not have a final paper or exam, I am not able to give incompletes for missing work. All late assignments must be turned in by the deadline I send around. I cannot change a grade that has been uploaded already.

Honor Code

Sharing of instructor-created materials, particularly materials relevant to assignments or exams, to public online “study” sites is considered a violation of Mason’s Honor Code. For more information, see the Office of Academic Integrity’s summary of information about online study sites.

<https://oai.gmu.edu/faculty-resource-center/preventative-resources/>

The integrity of the University community is affected by the individual choices made by each of us. Mason has an Honor Code with clear guidelines regarding academic integrity. Three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification.

For the full Honor Code, see academicintegrity.gmu.edu

Disability Accommodations

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.

Diversity/Inclusion

As a faculty member and designated “Responsible Employee,” I am required to report all disclosures of sexual assault, interpersonal violence, and stalking to Mason’s Title IX Coordinator per university policy 1412. If you wish to speak with someone confidentially, please contact the Student Support and Advocacy Center (703-380-1434, <http://ssac.gmu.edu/>) or Counseling and Psychological Services (703-993-2380, <https://caps.gmu.edu/>). You may also seek assistance from Mason’s Title IX Coordinator (703-993-8730; titleix@gmu.edu, <https://diversity.gmu.edu/sexual-misconduct>).

This course seeks to create a learning environment that fosters respect for people across identities. We welcome and value individuals and their differences, including gender expression and identity, race, economic status, sex, sexuality, ethnicity, national origin, first language, religion, age and ability. We encourage all members of the learning environment to engage with the material personally, but to also be open to exploring and learning from experiences different than their own.