

SPRING 2024

Law and Justice Around the World

CRIM 405.DL1 (Novak)

Online synchronous and asynchronous hybrid

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

Office/student hours: After class or by appointment

About the Instructor

I am Instructional Associate Professor of Criminology, Law and Society at George Mason University. My research is primarily on the death penalty, human rights, and comparative law. I have an M.Sc. in African Politics (London), a J.D. (Boston), and a Ph.D. in law (Middlesex). I am licensed to practice law in New York and Washington, DC.

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 (25 points each): 300 points

Final Quiz (25 points): 25 points

Total: 325 points

Mason Core

This course satisfies the Mason Core requirement for Global Understanding. Global Understanding courses have four main course objectives:

- Identify and articulate one's own values and how those values influence their interactions and relationships with others, both locally and globally.
- Demonstrate understanding of how the patterns and processes of globalization make visible the interconnections and differences among and within contemporary global societies.
- Demonstrate the development of intercultural competencies.
- Explore individual and collective responsibilities within a global society through analytical, practical, or creative responses to problems or issues, using resources appropriate to the field.

I believe this course will do all of this, and more.

Participation

The participation requirement for this class is almost entirely online attendance. Participation in class discussions is strongly encouraged, but not formally required. However, disruptive participation or chronically leaving class early may be considered evidence of poor participation.

This course has a minimum attendance requirement. Low attendance is evidence of poor class participation. If you attend two or fewer live sessions (not including the Introduction class), your grade will be reduced by a flat 40 points. If you attend fewer than 6 live class sessions (not including the Introduction class), your grade will be reduced by a flat 25 points.

If you attend at least 9 of 12 web conferences (other than the Introduction class) and have otherwise satisfactory participation, I will add 15 points on your lowest weekly quiz grade, up to 100%. This is essentially the equivalent of dropping three-quarters of your lowest quiz grade. If it is more advantageous to add the 15 points to your final quiz (up to 100%), I will do that instead.

Attendance at the web conferences is defined as being logged in for a critical mass of the class.

Readings

Orin Kerr, "How To Read a Legal Opinion: A Guide for New Law Students," 11 *Green Bag* 51 (2007) (**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, "Why Does Japan Retain Capital Punishment?" in *The Culture of Capital Punishment in Japan* (Palgrave 2020), pages 1-18 (**Week 3**).

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 4**).

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 5**).

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

Andrew Novak, "Capital Punishment in Precolonial African Society," in *Death Penalty in Africa: Foundations and Future Prospects* (Palgrave 2014) (**Week 7**).

Eric Svanidze, "Georgia, Former Republic of the USSR: Managing Abolition" in Peter Hodgkinson and William Schabas, eds., *Capital Punishment: Strategies for Abolition* (Ashgate 2004), and Moses Sakai, "The Papua New Guinea Parliament Abolishes the Death Penalty for the Second Time," Eleos Justice Blog, January 27, 2022 (**Week 8**).

Andrew Novak, "Jurisdiction of the Court," in *International Criminal Court: An Introduction* (Springer 2015) (**Week 9**).

Bikramjeet Batra, "A Knotty Tale: Understanding the Death Penalty in India," in *Capital Punishment: A Hazard to a Sustainable Criminal Justice System?* (Lill Scherdin, ed., Ashgate, 2014) (**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 Scherdin 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.

Thursday, January 18, 2024: Introductory class

Thursday, January 25, 2024: Common/Civil Law I (Quiz 1 due at 10:30 am)

Thursday, February 1, 2024: Common/Civil Law II (Quiz 2 due at 10:30 am)

Thursday, February 8, 2024: Common/Civil Law III (Quiz 3 due at 10:30 am)

Thursday, February 15, 2024: European Integration (Quiz 4 due at 10:30 am)

Thursday, February 22, 2024: Customary Law and Hybrids (Quiz 5 due at 10:30 am)

Thursday, February 29, 2024: Islamic Law (Quiz 6 due at 10:30 am)

March 6, 2024, is SPRING BREAK. No work is due.

Thursday, March 14, 2024: Socialist Law and China (Quiz 7 due at 10:30 am)

Thursday, March 21, 2024: International Criminal Court I (Quiz 8 due at 10:30 am)

Thursday, March 28, 2024: International Criminal Court II (Quiz 9 due at 10:30 am)

Thursday, April 4, 2024: International Criminal Court III (Quiz 10 due at 10:30 am)

Thursday, April 11, 2024: Punishment and Death Penalty (Quiz 11 due at 10:30 am)

Thursday, April 18, 2024: Policing (Quiz 12 due at 10:30 am)

Thursday, April 25, 2024: Final quiz due (11:59 pm)

Late Policy

You must take 12 weekly quizzes this semester, as well as a final quiz. These are not timed and do not need to be completed in one sitting. If you are unable to complete a quiz by the deadline, you must notify me within 48 hours. You have up to one week to finish the quiz late before I release the answers. Once I reveal the answers to the class, you will not be able to take the quiz for full credit. If you are missing a quiz and I have already given out the answers, you may take a make-up quiz for 12 points (this quiz will be different from the one the class took). *There are no exceptions to this rule: late quizzes that are more than a week late must take the grade reduction.*

At the end of the semester, I will give students a drop-dead deadline for make-up quizzes or late final quizzes. I cannot change a grade once it has been uploaded, and this course structure does not allow for Incompletes.

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 “Non-Confidential Employee” under the Clery Act, 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.

If you wish, you are welcome to share your preferred names and pronouns with me.