

PSC/PAI 768 LAW, COURTS, AND HUMAN RIGHTS

FALL 2023

(Syllabus subject to change as needed)

Professor: Yüksel Sezgin, Ph.D.

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Office: 531 Eggers Hall (315-443-4431)

Meeting Times & Location: Mon 3.45-6:30 PM @ Egger 100A

Office Hours: Tue 5-6.30 PM, *Peripateo*: Tue 10.00-10.30 (short campus walks with students-weather permitting) (please email before meeting/walk)

Course Description:

The intersection of law, courts, and politics has gained increasing interest among scholars in recent decades. This renewed interest in the comparative study of judicial institutions, human rights, and socio-legal change in non-American contexts has given rise to new schools of thought, theoretical and methodological innovations, and challenges. This course aims to introduce graduate students to the inner workings of judicial institutions from a comparative perspective and familiarize them with relevant theories and methodologies. Drawing from comparative politics, comparative law, socio-legal studies, and international relations literature, the course analyzes dispute resolution, policymaking, social control, and regime legitimation functions of courts (state courts and non-state tribunals alike) and examines which of these core functions courts in different societies choose to emphasize, and why; and what role they play in respect to the emerging rule of law and human rights discourses.

The primary learning objectives of the course are (1) to introduce graduate students to emerging theoretical and methodological approaches in the field of comparative judicial institutions and help them use these approaches in their own research and (2) to prepare them for the field exam by familiarizing them with the recent and classical comparative law and courts literature.

Expectations, Assignments & Important Deadlines

All students must come to class having read the assigned readings and prepared to engage in active discussion. There are also three main assignments in this course. They are detailed below, and further information may be added to the course webpage on Blackboard; please check it frequently.

Discussant-Presenter Assignment

Students will serve as discussant-presenter by leading a class discussion during the semester. You can budget about 15 minutes for the in-class presentation, and additionally will assist in leading the discussion. The following is an assignment associated with this role.

- *Short Paper*: The presenter must turn in a Short Paper (5 pages, double-spaced) that summarizes the readings, raises strengths and weaknesses, and evaluates the broader implications of the research. These papers should be emailed to the class listserv by **5 PM Sunday**.

Reading Response Brief Assignment

Each week, students who are not leading the class discussion are required to write a *Reading Response Brief* (1 page, single-spaced), which will be based on the readings for that week and will raise critical questions or issues you would like to discuss. **Please bring a hard copy** to class to raise these points in the discussion.

Research Paper Assignment

Students must also write a double-spaced research paper (15-20 pages). The students will begin working on this paper early in the semester. The following are the assignments associated with it.

- *Proposal*: Students must write a one-page proposal outlining their Research Paper highlighting the puzzle, paper outline, and the theoretical and empirical resources to be utilized. This is due on **October 2**. Please bring a hard copy to the meeting.
- *Research Paper*: The final paper is due on **December 11**. Please submit it electronically through Turnitin and bring a hard copy to the meeting.

Assessment:

Discussant-Presenter/Short Paper (5pp): 20%

Reading Response Briefs and Participation: 20%

Research Paper (15-20pp): 60%

Late Assignment Policy: Unless special arrangements have been made in advance, assignments received after the due date will be penalized .2 for each late day. Of course, there are a few legitimate excuses for failure to complete assignments on time, such as illness or family emergency. In these instances, you should notify me as soon as possible.

Required Texts:

The following books are available at <https://syracuse.ecampus.com/>. All required texts are reserved at Bird Library; duplicate copies may be available at the H. Douglas Barclay Law Library. Many books also have e-book editions through the SU Libraries.

1. 9780521720427 - Conducting Law and Society Research
2. 9780226750439 - Courts: A Comparative and Political Analysis

3. 9781107539907- Crafting Courts in New Democracies...
4. 9780674025479 - Towards Juristocracy: The Origins and Co ...
5. 9780521124416- The Struggle for Constitutional Power...
6. 9780190932831- Courting Gender Justice...
7. 9781107020023 - Environmental Litigation in China: A Study...
8. 9781108498340- Divorce and Democracy...
9. 9781107041400 - Human Rights under State-Enforced Religious...
10. 9781009245951 - State-Building as Lawfare...
11. 9781108488778 – States of Justice...

Academic Integrity:

Syracuse University's Academic Integrity Policy holds students accountable for the integrity of the work they submit. Students should be familiar with the policy and know that it is their responsibility to learn about course-specific expectations, as well as about university policy. The university policy governs appropriate citation and use of sources, the integrity of work submitted in exams and assignments, and the veracity of signatures on attendance sheets and other verification of participation in-class activities. The policy also prohibits students from submitting the same written work in more than one class without receiving written authorization from both instructors. The presumptive penalty for a first offense by an undergraduate student is course failure, accompanied by a transcript notation indicating that the failure resulted from a violation of the Academic Integrity Policy—the standard sanction for a first offense by a graduate student in suspension or expulsion. For more information and the complete policy, see <http://academicintegrity.syr.edu>.

Disability-Related Accommodations:

If you believe that you need accommodations for a disability, please get in touch with the Office of Disability Services (ODS), located in Room 309 of 804 University Avenue, or call (315) 443-4498 for an appointment to discuss your needs and the process for requesting accommodations. ODS is responsible for coordinating disability-related accommodations and will issue students with documented Disabilities Accommodation Authorization Letters, as appropriate. Since accommodations may require early planning and generally are not provided retroactively, please get in touch with ODS as soon as possible.

Religious Observances:

SU's religious observance policy, found at http://supolicies.syr.edu/emp_ben/religious_observance.htm, recognizes the diversity of faiths represented among the campus community and protects the rights of students, faculty, and staff to observe religious holy days according to their tradition. Under the policy, students are provided with an opportunity to make up any examination, study, or work requirements that may be missed

due to religious observance, provided they notify their instructors before the end of the second week of classes. For fall and spring semesters, an online notification process is available through MySlice/Student Services/Enrollment/My Religious Observances from the first day of class until the end of the second week of class.

SCHEDULE OF READINGS

DATE	TOPIC	READING	DUE
8/28	Introduction & Approaches-Methods for Studying Comparative Judicial Institutions	<i>Conducting Law and Society Research</i> (Chps:1, 4, 8, 12, 15, 16, 19, 22, 23)	Sign up for a presentation
9/4	LABOR DAY	NO CLASS	
9/11	Courts in Comparative Perspective	<i>Courts: A Comparative and Political Analysis</i>	
9/18	Courts, Democratization, and Economic Liberalization	<i>Crafting Courts in New Democracies</i>	
9/25	Family, Culture, and Law	<i>Divorce and Democracy</i>	Guest Author: Saumya Saxena
10/2	Courts and Rule of Law in Authoritarian Regimes-I	<i>The Struggle for Constitutional Power</i>	Research Proposals are due
10/9	FALL BREAK	NO CLASS	
10/16	New Constitutionalism & Judicial Review	<i>Towards Juristocracy</i>	
10/23	State, Religion, and Law	<i>Human Rights under State-Enforced Religious Family Laws</i>	
10/30	State vs. Non-State Law	<i>State-Building as Lawfare</i>	Guest Author: Egor Lazarev
11/6	Courts and Rule of Law in Authoritarian Regimes-II	<i>Environmental Litigation in China</i>	Guest Author: Rachel Stern

11/13	International Criminal Law	<i>States of Justice</i>	Guest Author: Oumar Ba
11/20	THANKSGIVING BREAK	NO CLASS	
11/27	Gender, Activism, and International Law	<i>Courting Gender Justice</i>	
12/4	Work in Progress: Research Discussion		Bring a copy of your "work in progress" research paper. Be prepared to discuss your research question, theoretical approach, research design, preliminary findings, etc.
12/11	Research Week		Research Papers are due.