

**PSC 320**  
**COMPARATIVE LAW AND COURTS**  
**Spring 2023**

**Professor:** Yüksel Sezgin, Ph.D.

**Email:** [ysezgin@syr.edu](mailto:ysezgin@syr.edu)

**Office:** 100F Eggers Hall

**Meeting Times & Location:** MW 12:45 - 2:05 p.m. @ Heroy 113

**Office Hours:** Mon 4–6 p.m., *Peripateo*: Tue 10.30-11.00 a.m. (short campus walks with students-weather permitting) (please email before meeting/walk)

**TA:** Altuğ Aslanoğlu ([aaslanog@syr.edu](mailto:aaslanog@syr.edu))

**Course Description:**

This course introduces students to major legal traditions such as Common Law, Civil Law, Islamic Law, African Law, and Asian Law. The course will begin with a brief discussion of the concepts of “law” and “courts” and major political systems. Later, these concepts will be placed in a global comparative perspective to understand how courts function in different legal systems. In this regard, we will specifically focus on institutions of judicial review and compare constitutional courts of major European countries. After a comprehensive analysis of Civil and Common Law systems, we will focus on religious legal systems (i.e., shari‘a). Next, we will study the global phenomenon of increasing politicization of judiciaries by discussing whether courts or law, in general, can be mobilized to bring about social change. In addition to analyzing formal state courts, we will adopt a pluralistic approach and closely analyze non-state sources of law and informal dispute resolution mechanisms worldwide. In the last segment of the course, we will discuss international law and courts—explicitly examining the European Court of Human Rights and the International Criminal Court.

**Learning Objectives:**

At the end of this course, students will be able to

- 1) Explain the development of major legal traditions and judicial institutions worldwide.
- 2) Describe the relationship of courts to other branches of government and other institutions in various countries.
- 3) Characterize judicial behavior, legal decision-making, and the selection of judges in a comparative context.
- 4) Explain the complex intersection of economic, political, cultural, and legal interests in resolving human rights crises within a global context.
- 5) Use emerging theoretical and methodological approaches in the field of comparative judicial institutions by applying them to their research.

**Requirements of the Course and Assignments:**

Midterm (40%), Final Exam (40%), Class Assignments/Quizzes/Participation (20%)

The professor will provide further information on student responsibilities and requirements for midterm and final exams.

### **Important Deadlines:**

**Midterm: March 8, 2023**

**Final: May 9, 2023 (8.00 a.m.-10:00 a.m.)**

### **Required Texts:**

There are two types of required materials for this class:

I) Three textbooks are available at <https://syracuse.ecampus.com/>:

1) Merryman & Perez Perdomo (2018), *The Civil Law Tradition*, (4<sup>th</sup> Edition), ISBN: 9781503607545 (also available through SU Library as an e-book)

2) Martin Shapiro (1981), *Courts*, ISBN: 9780226750439

3) Esposito & DeLong-Bas (2018), *Shariah: What Everyone Needs to Know*, ISBN: 9780199325061

II) Electronic readings are available through the class website on Blackboard.

### **Laptops and other electronic devices:**

During class, your jobs are to listen actively, take careful notes, reflect on the concepts we are discussing, and participate in those discussions when you have something to say. None of these jobs requires a laptop, a tablet, or a phone, and using such devices during class can be pretty distracting to students sitting nearby. As such, all electronic devices must be turned off and put away promptly at 12:45 p.m. and must stay put away until 2:05 p.m. Research has demonstrated that taking notes by hand significantly improves the long-term retention and understanding of concepts. You could read about it here: <http://m.chronicle.com/article/The-Benefits-of-No-Tech-Note/228089/> or here: <http://www.vox.com/2014/6/4/5776804/note-taking-by-hand-versus-laptop>

If you have paperwork from ODS that allows you to take notes by laptop/tablet, please let me know as soon as possible to accommodate your request. ODS also provides note-taking services for qualified students: <http://disabilityservices.syr.edu/students/notetaking/>. If you do not have paperwork from ODS but need to use a laptop/tablet etc., to take notes during lectures, you must talk to the professor to obtain special permission.

To familiarize yourself with effective note-taking tools and strategies, please visit <http://cls.syr.edu/cls/notetakingabout.php>. You could also use tape recorders or digital recorder pens (<https://jbochman.expressions.syr.edu/?p=91>). If you plan to use a recorder, you need to seek permission from your instructors (myself and your TA) in advance.

## **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 is suspension or expulsion. For more information and the complete policy, see <http://academicintegrity.syr.edu>.

## **Late Assignment Policy:**

Unless special arrangements have been made, 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 provide the instructor or TA with a written, verifiable excuse as soon as possible.

## **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, be sure to get in touch with ODS as soon as possible.

## **Religious Observances:**

SU's religious observances policy, found at [http://supolicies.syr.edu/emp\\_ben/religious\\_observance.htm](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 can 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

\*\*\* Textbooks. Everything else is available as a pdf file on Blackboard

DATE	TOPIC	READING	DUE
1/18	Introduction to the Course		
1/23	Why study comparative law and courts?	Fairgrieve (nd), pp.1-13, Reimann (1998), pp. 637-646	
1/25	Courts & Comparative Law	Andenas & Fairgrieve (2015), pp. 2-22, Minow (2015), pp. 513-535	
1/30	Comparative Political Systems	Fabbrini (1995), pp. 128-138 Linz (1990), pp. 51-69	
2/01	Law & Courts	Shapiro (1981)***, pp. 1-64	
2/06	Law & Courts	Cohen (2009), pp.1143-1170	
2/08	Common-Law Tradition	Shapiro (1981)***, pp. 65-125,  <i>Recommended:</i> Zweigert & Kotz (1992), 187-211	
2/13	Civil Law Tradition	Merryman (2018)***, pp. 1-55,	
2/15	Civil Law vs. Common Law: Comparison-I	Dainow (1966), pp. 419-435,  <i>Recommended:</i> Chase (2005), pp. 47-71	
<b>2/20</b>	Civil Law vs. Common Law: Comparison-II	<i>Recommended:</i> Steiner (2018), pp.192-210	Movie: <i>10<sup>th</sup> District Court</i>
<b>2/22</b>	Islamic Law-I	Esposito & DeLong-Bas (2018)***, pp. 1-103	
2/27	Islamic Law-II	Esposito & DeLong-Bas (2001), pp. 12-46	
3/01	Islamic Law-III	Tellenbach (2014), pp.1-17, Peters (2001), pp.9-22	Documentary: <i>Inside a Sharia Court</i> <a href="https://video-alexanderstreet-com.libezproxy2.syr.edu/watch/inside-a-sharia-court">https://video-alexanderstreet-com.libezproxy2.syr.edu/watch/inside-a-sharia-court</a>
3/06	<b>Review</b>	<b>Review</b>	

3/08	<b>MIDTERM</b>	<b>MIDTERM</b>	
3/13	<b>NO CLASS</b>	<b>SPRING BREAK</b>	
3/15	<b>NO CLASS</b>	<b>SPRING BREAK</b>	
3/20	African Law	Menski (2006), pp. 404-413, 435-466 Tshehla (2005), pp. 9-29, 43-54	
3/22	Asian Law	Menski (2006), pp. 502-534, 547-555, 566-579  Haley (2002), pp. 121-142	
3/27	Legal Pluralism-	Woodman (1999), pp.3-19 Esau (1999), pp.97-116 Berger (2014), pp. 91-119, 323-334  Recommended: Stern (2021), pp. 67-90	
3/29	Judicial Review-I	Sweet (2000), pp.31-60	<a href="https://www.youtube.com/watch?v=NvlsbrEILDA">https://www.youtube.com/watch?v=NvlsbrEILDA</a> <a href="https://www.youtube.com/watch?v=1UJ7YVT-CqA">https://www.youtube.com/watch?v=1UJ7YVT-CqA</a> <a href="https://www.youtube.com/watch?v=wTHrynZIsBo">https://www.youtube.com/watch?v=wTHrynZIsBo</a>
4/03	Judicial Review-II	Ginsburg (2003), pp. 34-59, 90-105	
4/05	Can courts bring about social change?	Rosenberg (1991), pp.9-36  <i>Recommended:</i> Scheingold (2004), pp.13-38, 83-96	
4/10	Legal mobilization in comparative perspective-I	Bhuwania (2014), pp. 314-335 Moustafa (2008), pp.132-155  <i>Recommended:</i> McCann (1994), pp. 92-137	
4/12	Legal mobilization in comparative perspective-II	Lahav (2013), pp.2-37 <i>Recommended:</i> Woods (2008), pp.95-120	Documentary: <i>Women of the Wall</i>
4/17	International Law & Courts	Bantekas & Papastavridis (2019),	

		pp.3-12, 18-25, 47-52, 75-82 <i>Recommended:</i> Alter (2014), pp. 3-31	
4/19	European Court of Human Rights	Anagnostou (2013), pp. 211-229 Nussberger (2020),109-152  <i>Recommended:</i> Helfer & Voeten (2014), pp.77-110, Caligiuri & Napoletano (2010), pp.125-159 Bond (2010), pp.13- 61, The ECtHR in 50 Questions	
4/24	International Criminal Court	Gegout (2013), pp.800-818, Cryer (2014), pp.146- 179 Ba (2017), pp. 45-62  <i>Recommended:</i> Bosco (2014), pp.139-176	
4/26	<b>Review</b>	<b>Review</b>	
5/01	<b>Review</b>	<b>Review</b>	
5/9	<b>Final</b>	<b>8.00 a.m.-10:00 a.m.</b>	