

CRJU 7709 – COMPARATIVE CRIMINAL JUSTICE SYSTEMS

Dr. Tanja C. Link

Email: tlink1@kennesaw.edu

Office: SO 4066

Phone: 770-423-6940

Office Hours: Thurs 1-3 & by appointment

Class Time: Mondays, 5-7:45 p.m., SO 4060

COURSE DESCRIPTION

This course is designed to present students with information regarding a variety of ways that justice systems are organized and practiced around the world. Often, practitioners and scholars fail to recognize alternative approaches that may have found success in foreign countries, which could potentially benefit the justice system of the United States. Over the course of the semester, we will gain insights into how (legal) cultures and law interact, how specific ideas about law can be found in criminal codes or cases, and to which degree (if at all) it is possible to compare criminal justice systems. Although the major emphasis will be on the substantive content of assigned readings, some attention will be given to research methodology. After an overview of the characteristics of systems in general, we will compare some of the main aspects of the criminal process in various countries, including, for example, legal traditions, role of the police, pre-trial and trial processes, role of the various players in the criminal justice process (judges, attorneys, juries), and post-conviction proceedings.

COURSE OBJECTIVES

At the end of the semester, students will have received the tools to:

- * Analyze recent literature related to the social, political, and legal issues affecting criminal justice systems around the world, *demonstrated by receiving satisfactory grades on related topical briefs and commentaries.*
- * Compare and contrast organizational behavior concepts and management practices of the various policing, court, and correctional systems among numerous nations around the world, *demonstrated by receiving satisfactory grades on related topical briefs and commentaries.*
- * Evaluate the role of different multinational organizations in setting criminal justice policy around the world, *demonstrated by receiving satisfactory grades on related topical briefs and commentaries.*
- * Compare and contrast the four legal traditions that are used among various nations, *demonstrated by receiving satisfactory grades on the research project, topical briefs and*

commentaries.

* Critically evaluate current qualitative and quantitative research pertaining to current trends in the area of comparative criminal justice, *demonstrated by receiving satisfactory grades on the research project, commentaries, and discussion questions.*

* Apply basic research methodology to cross-national data collection and data analysis through the completion of a cross-national research project, *demonstrated by receiving satisfactory grades on the research project, topical briefs and commentaries.*

REQUIRED READING MATERIALS

Each week, your assigned readings will come from two a variety of different sources. Depending on the specific topic, you will read a chapter in the textbook that introduces and gives some background on the issues to be discusses in class. A second source of readings is the Fields & Moore reader that provides case studies on the topics introduced in class and the textbook.

Finally, you will read classical and/or contemporary peer-reviewed articles from academic journals whose research focuses on comparative criminal justice in one form or another. The research articles can be challenging, so do not be discouraged if it takes you a second or third reading to understand or follow what is being said.

TEXTBOOKS – (available at the KSU bookstore and online from various sources)

Reichel, Philip L. *Comparative Criminal Justice Systems: A topical approach.* 6th edition (2013). Pearson.

Fields, Charles B. & Richter M. Moore, Jr. *Comparative and International Criminal Justice.* 2nd edition. Waveland Press.

We will also read several chapters of this book:

Cavadino, Michael & Hames Dignan. *Penal Systems: A Comparative Approach.* 2006. Sage.

Journal articles and book chapters referenced in the class schedule can be obtained online or will be sent via e-mail.

COURSE REQUIREMENTS

This seminar is a collaborative effort. As this is a graduate-level class, I should not have to state the following, but it is imperative that you come prepared, having thoroughly read and thought about the materials, taken notes, made comments, prepared questions about each reading, and are ready to actively participate in the class discussions.

I will facilitate the discussion when necessary and make sure we cover the necessary points and issues. Everyone is expected to participate in the discussion, and we will work hard and continuously to create and maintain an environment where every voice is heard and respected, and everyone feels comfortable.

GRADES

Your final grade for the course consist of the following:

1. Research Paper & Presentation (40% + 10% of your grade)

Students pick a country of focus at beginning of the semester, research all the areas of the CJS we cover, and write a detailed comprehensive comparative report as their paper. In that paper, you need to compare your country to other countries in the region, as well as other countries comparable to it (in terms of background – you choose points of comparison, and you also have to justify why particular ones are chosen), and make policy recommendations for your country addressing issues you uncovered in your research.

At our last meeting, you will make a presentation on your country of focus, addressing issues relevant to international crime and justice. In this presentation, your focus should be on similarities and differences in your country to the United States (i.e., make it comparative).

*** I have set aside one class meeting (September 30) for us to discuss in depth and work on ideas for your proposals and presentations. ***

2. CJS Topical Briefs (20% of your final grade)

At the beginning of the semester, you will pair up with a classmate and pick two countries (different from your research country). Each week, you will research country-specific information pertaining to the topic we are scheduled to discuss in our next class meeting.

For example: on September 9 we are scheduled to cover Legal Traditions, so you and your partner will prepare information on your two countries' legal tradition for class that day. Please prepare a summary/overview handout for the other people in class (about 1 – 2

pages). The objective is to compile detailed information on a variety of countries and make them accessible to everyone in class, so we can truly compare different aspects of world criminal justice systems.

3. Commentaries (20% of your final grade)

Your assignment is to find and stay abreast on current research, news articles and reports on your country of focus (the one you are using for your research paper) that are relevant for international issues of crime and justice. Keep a journal (with the articles) in which you comment on the news/research entry and put it in an international/comparative, or historical perspective. For example, you can address what is different in your country as compared to the others discussed in the readings, and a) if, b) how, and c) why the differences matter.

This may require some background research if the report is on an ongoing issue (e.g., a trial).

Over the course of the semester, you are required to turn in **6 commentaries**. Only one commentary per class may be turned in, and each commentary should cover a different issue relevant to what is discussed in class that week.

The text for each commentary should be approximately 2-3 pages single-spaced, with a cover page and bibliography if appropriate.

Please e-mail your commentaries to me by **Sunday evening**, and be prepared to discuss your commentary in class.

4. Discussion Questions (10% of your final grade)

Finally, please post 2 discussion questions/comments about one of the week's readings on GA View by Sunday night.

NOT REQUIRED, BUT IMPORTANT NEVERTHELESS:

1. Take notes on everything you read. This forces you to consider very explicitly what the important points are in a given chapter, book, or article. By writing these down, you will increase your understanding and memory of the material. In addition, these notes can be used as a resource (e.g., research paper, qualifying exams, thesis, or dissertation).
2. Subscribe to or regularly read a criminological journal such as *Criminology* or the *Journal of Research in Crime and Delinquency*. You can subscribe to *Criminology* by

becoming a member of the American Society of Criminology (ASC) – the main professional organization of criminologists. Student memberships are only \$40 (<http://www.asc41.com/>).

3. Attend the annual meetings of the American Society of Criminology (2012 meeting is in Chicago, November 14-17) or the ACJS (www.acjs.org, 2013 meeting is March 19-23 in Dallas, TX).
4. Become familiar with the existing datasets often used in the study of crime. When collecting your own data is not feasible or desirable, good original research requires not only identifying a promising research question but also being aware of data that can be used to study that issue. Many datasets are archived by the Inter-University Consortium for Political and Social Research (ICPSR) and can be accessed for free at their website (<http://www.icpsr.umich.edu/>).
5. Begin keeping a file that contains ideas for future research. If you are seeking a scholarly career, your ability to have an enjoyable and productive career will depend on how well you can generate interesting ideas for research. With that in mind, you should approach your reading rigorously – reading should not be simply an exercise in which you absorb knowledge: it should also stimulate ideas about projects in which you can create knowledge.

CLASS SCHEDULE (subject to change)

1. August 23 – Introduction to course, to each other

RECOMMENDED:

Fields, Arrigo, & Webb. Measuring Cross National Crime and Criminality: Methodological Considerations and Concerns. Pp. 3-18 in: Comparative and international Criminal Justice, Fields & Moore (eds.), 2005. Waveland Press.

Hoffmeyer-Zlotnik & Wolf. Advances in Cross-National Comparison. 2003. Kluwer Academic Publishers.

2. August 30 – Why study other Criminal Justice Systems?

Reichel, Chapters 1 & 2

Moore & Fields. Comparative Criminal Justice: Why Study? Pp. xv-xxvi in: Comparative and international Criminal Justice, Fields & Moore (eds.), 2005. Waveland Press.

Van Dijk & Kangsapunta. 2000. Piecing Together the Cross-National Crime Puzzle.

Bennett & Lynch. 1990. Does a Difference Make a Difference? Comparing Cross-National Crime Indicators. *Criminology* 28: 153-181.

Beirne & Nelken. *Issues in Comparative Criminology: Introduction*.

RESOURCES:

Gallup Poll (<http://www.gallup.com>) – U.S., Africa,

American Bar Association (<http://www.abanow.org>)

Rasmussen Reports (<http://www.rasmussenreports.com>)

EU Institutions (<http://europa.eu>)

European Sourcebook of Crime and Criminal Justice Statistics
(<http://europeansourcebook.org>)

United Nations Office on Drugs and Crime (<http://www.unodc.org>)

Interpol (<http://www.interpol.int>)

RECOMMENDED:

Bennett – ASC presidential address

Friedman, Thomas L. *The World is Flat: A Brief History of the Twenty-First Century*. New York, 2005.

3. September 6 – Legal Traditions

Reichel, Chapters 3-5

Fields & Moore, Chapter 19

Johnson, Lauren. “Islam: Governing under Sharia” (<http://www.cfr.org/religion/islam-governing-under-sharia/p8034>)

RECOMMENDED:

Fu Hualing. Varieties of Law

(http://lawprofessors.typepad.com/china_law_prof_blog/2011/06/fu-hualing-on-the-varieties-of-law.html)

Jerome A Cohen & Yu Han. China's Struggle for Criminal Justice

(<http://www.usasialaw.org/?p=5928>)

Readings on the death penalty

Readings on punishment

Readings on legal philosophies

RESOURCES:

German Criminal Code (http://www.gesetze-im-internet.de/englisch_stgb/index.html)

Italian Penal Code

Penal Code of Finland (<http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>)

French Penal Code

Nigerian Penal Code

4. September 13 & 20 - Policing

Reichel, Chapter 6

Fields & Moore, Chapters 7-15

6. September 27- Proposal development session

7. October 4 & 11 - Courts

Reichel, Chapter 7

Rojek, D. 1985. Criminal Process in the PRC. Justice Quarterly 2(1): 117-125.

Fields & Moore Chapters 16 & 20

RESOURCES:

Bureau of Justice Assistance What are Tribal Courts?

(<http://www.ojp.usdoj.gov/BJA/evaluation/program-adjudication/tribal1.htm>)

8. October 18 & 25 – Corrections

Reichel, Chapter 8

Fields & Moore, Chapters 21 & 22

Cavadino & Digman, Penal Systems: A comparative approach. Chapter 16.

RESOURCES:

International Centre for Prison Studies (<http://www.prisonstudies.org/>)

International Corrections and Prison Association (<http://www.icpa.ca/>)

International Standards in Corrections

(<http://legaladvisoryboard.wordpress.com/2011/02/15/international-standards-corrections/>)

9. November 1 & 8 – Juvenile Justice

Reichel, Chapter 9

Winterdyk. Juvenile Justice Systems: International Perspectives (pp.17-24)

(http://www.nap.edu/openbook.php?record_id=9747&page=17)

Cavadino & Digman, Penal Systems: A comparative approach. Chapters 12-15

Fields & Moore, Chapters 23, 26, 27, 28, 29

10. November 15- Alternatives to Current CJ Practices

Fields & Moore, Chapters 24 & 25

Cavadino & Digman, Penal Systems: A comparative approach. Chapter 17

15. November 22 – NO CLASS – FALL BREAK

16. November 29 - last class: Presentations

17. December 8 - Papers due