

CPO 3700 (28568) Comparative Law and Courts

CPO 3700 (28568); JST 4936 (26609)

January 2024 – Dr. Patricia Sohn, Ph.D.

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[Courses & Teaching](#) | [Patricia J. Sohn](#)

Office Hours: Wednesdays, 2:00 to 5:00 p.m. in 333 Anderson, via office phone or email, or via Zoom by request; Zoom link is on Canvas home page.

[E-Reserves](#) link for this course (three texts are available as free e-books @ Smathers Library)

COURSE DESCRIPTION: Comparative law and courts is a sub-theme of research in comparative politics. It is part of the wider cross-disciplinary fields of the political sociology of law, and comparative law and society. It is a thematic area of scholarship in which the focus of analysis is the politics of courts, court decision making, courts' interactions with other governmental institutions, people and their interactions with courts, and other similar questions. It also includes study of judicial independence and autonomy, judicial power, institutional configurations and developments, and the appropriate place of the judiciary as an institution within institutional debates regarding the structuring of the late-modern, Classical Liberal democratic state.

This course will include four sections, each focusing on a primary text. The primary themes addressed include: the legal process; the state; the state and courts; authority, domination, and the People; courts in the Ottoman Empire and Turkey; courts in religious and secular contexts; courts in China; and judicial independence and (relative) autonomy.

READINGS:

1. Edited by Rosann Greenspan, Hadar Aviram, and Jonathan Simon, eds. *The Legal Process and the Promise of Justice*. New York: Cambridge University Press, 2019.
2. Austin Sarat and Stuart Scheingold, eds. *The Worlds Cause Lawyers Make: Structure and Agency in Legal Practice*. Palo Alto: Stanford University Press, 2005.
3. Kent F. Schull, Robert W. Zens, M. Safa Saracoglu, eds. *Law and Legality in the Ottoman Empire and Republic of Turkey*. Bloomington, IN: Indiana University Press, 2016.
4. Randall Peerenboom, ed. *Judicial Independence in China: Lessons for Global Rule of Law Promotion*. New York: Cambridge University Press, 2009.

ASSIGNMENTS

- 10% Attendance
- 10% Participation
- 30% 3 Abstracts (1.25 pages each)
- 20% 2 Journal Entries (2 pages each)
- 30% 1 Final Essay (6 pages)

EXPLANATION OF ASSIGNMENTS

10% Attendance

- Attendance is required and is recorded in your Gradebook on Canvas; be certain to bring a signed note if you have an excused scholastic, medical, or other excused absence by UF attendance policy. UF scholastic student teams, such as certain Florida Blue Key, UF Debate, or certain similar [UF Student Organization](#) events and conferences will be excused with a letter from the event or team coordinator (not a student). Political caucuses will not be excused. If in doubt, ask me.
- Note on Link: You are encouraged to click the UF Student Organizations link above. Getting involved in student organizations adds to your extracurricular activities on your resume and may provide important experience.

10% Participation of which (evenly distributed):

- **Ad Hoc Participation:** Active and appropriate participation in discussion of readings, ad hoc group activities in the classroom.
- **Individual Presentations** on readings in the classroom or via Voice Thread (free account at <https://elearning.ufl.edu/supported-services/voicethread/>).
- **Round Tables.** The round tables are a culminating panel discussion in which each student responds to a set of prompts for that section of the course. Each student will be assigned to one round table.

30% Abstracts (3)

- 1.25 pages each (longer or shorter will reduce points; you are striving for concise, direct, and active voice while remaining substantive; the length is part of the assignment). Explain the central argument/contention (or take-home message) of the assigned readings, drawing upon three (3) major pieces of evidence used in the reading to support that argument/contention. In this assignment, you are working to develop analytical distance and analytical neutrality or clarity. In some ways, it is the opposite of personal engagement. Please use footnotes and give a formal reference list, all formatted according to the Chicago Manual of Style, which is available in Announcements on Canvas. Footnotes MUST use your word processing program's footnote function, and reference list must be on a separate page at the end; footnotes and reference list cannot be combined in any way. Please use Times Roman, Palatino, or Garamond font, 11- or 12-points font size, 1" margins, and double-space all written assignments. Paragraphs must be 5 – 7 sentences each, strict limit. No short paragraphs, even for introduction or conclusion.
- Submit an abstract on Canvas by 11:59 p.m. of the day that we are scheduled to discuss the chapter or article in the Reading Schedule. You can submit abstracts early but not after they are scheduled in the reading schedule. Abstract and Journal assignment due dates are distributed roughly evenly throughout the semester, beginning in Week IV of the semester.

20% Journal (2)

- 2 pages each. This assignment is your opportunity to engage with the course readings on a personal level. Include only information that would be appropriate for me to read. I encourage you to keep a wider journal of your experience of the course for your own posterity. Please use footnotes and give a formal reference list, all formatted according to the Chicago Manual of Style, which is available in Announcements. Footnotes MUST use your word processing program's footnote function, and

reference list must be on a separate page at the end; footnotes and reference list cannot be combined in any way. Please use Times Roman, Palatino, or Garamond font, 11- or 12-points font size, 1" margins, and double-space all written assignments. Paragraphs must be 5 – 7 sentences each, strict limit. No short paragraphs, even for introduction or conclusion.

- Submit a journal assignment on Canvas by 11:59 p.m. of the day that we are scheduled to discuss the chapter or article in the Reading Schedule. You can submit journal assignments early but not after the reading is scheduled in the reading schedule. Abstract and Journal assignment due dates are distributed roughly evenly throughout the semester, beginning in Week IV.

30% Final Essay (1)

- 6 pages. Each student will write one 6-page essay in response to a choice of two essay prompts. Use Chicago Manual of Style in-text citations and full reference page. There is no final exam for this course. You will be asked to distinguish between analytical distance and personal engagement with the materials, and to demonstrate both. When in doubt, analytical distance should come first. You may draw in some part upon your abstracts and journals, as appropriate to answering the essay prompt. Essays are limited to the readings from class. Please use footnotes and give a formal reference list, all formatted according to the Chicago Manual of Style, which is available in Announcements. Footnotes MUST use your word processing program's footnote function, and reference list must be on a separate page at the end; footnotes and reference list cannot be combined in any way. Please use Times Roman, Palatino, or Garamond font, 11- or 12-points font size, 1" margins, and double-space all written assignments. Paragraphs must be 5 – 7 sentences each, strict limit. No short paragraphs, even for introduction or conclusion.
- Due Tuesday of Finals Week by 11:59 p.m. on Canvas at the "Final Essay" link within the Assignments tab.

STUDENT LEARNING OUTCOMES/COURSE GOALS

Students who succeed in completing this course will be able to:

1. Identify major issues and a few important scholars in the study of comparative law and courts.
2. Identify, explain, compare, and contrast several major theories in the study of comparative law and courts.
3. Identify key components of judicial independence in several country contexts.
4. Identify key components of judicial institutions in several country contexts.
5. Identify and explain the rule of law, comparatively, and in several country contexts.
6. Compare, contrast, and synthesize the state of comparative law and courts, court systems, and their politics, in the Ottoman Empire, Turkey, China, and a few cases in Europe, the Middle East, and the U.S.
7. Identify and explain major theories of the state emerging from the work of Max Weber and others, and synthesize by connecting those theories with several themes in comparative law and courts.

ABOUT YOUR PROFESSOR

Some students like to know about the professor's starting points, biography, as well as academic, pedagogical, and other information. I am not likely to talk about it in class. Like our UF students, all of your UF professors do wonderful things and have interesting backgrounds. You can find some of that information regarding me at the following:

1. [Vitae | Patricia J. Sohn \(ufl.edu\)](#)
2. ["Inclusiveness, Pedagogy, Identity, Ideology, and the Epistemology of the Professor" @ E-International Relations \(e-ir.info\)](#) by Patricia Sohn, May 13, 2023 (there is a PDF – Read Aloud link/version near the top of the page to make it easier)

READING SCHEDULE

Please note, students are expected to do all of the readings, to discuss them in class, and to be able to write about them across the written assignments of the class. That said, an effort will be made to distribute the responsibilities for discussion across each week such that every student is not equally responsible to discuss each chapter, every day. Assignments will be made at the end of each week for the following week regarding who will be responsible for the preponderance of discussion for each chapter; usually, that will mean that half the class will focus on one reading for the purposes of discussion, and half the class, the other chapter.

Once assigned, individual presentations will be listed by student last name next to the chapter/week assigned.

READING SCHEDULE

- **PART I. *The Legal Process and the Promise of Justice*, edited by Edited by Rosann Greenspan, Hadar Aviram, and Jonathan Simon.**

Week I. Introductions

Tuesday, *The Legal Process*, Chapter 1 by Aviram

Thursday, e-reserves chapter from:

- ✓ Michael Mann, *The Sources of Social Power*, Chapter 3, "A Theory of the Modern State"

Week II.

Tuesday, e-reserves chapter from:

- ✓ *In Litigation: Do the Haves Still Come Out Ahead?*

Thursday, e-reserves chapters from:

- ✓ Max Weber, *Economy and Society* I: Chapter 1, Sections 16, "Power and Domination"; and 17, "Political and Hierocratic Organizations"
- ✓ Max Weber, *Economy and Society* II: Chapter 11, "Bureaucracy"

Week III.

Tuesday, e-reserves chapter from:

- ✓ Max Weber, *Economy and Society* II: Chapter 12, “Patriarchalism and Patrimonialism” (long chapter)

Thursday, e-reserves chapter from:

- ✓ Max Weber, *Economy and Society* II: Chapter 13, “Feudalism, Standestaat, and Patrimonialism”

Week IV.

Tuesday, *The Legal Process*, Chapter 2 by Kohler-Hausmann

Thursday, *The Legal Process*, Chapter 3 by Levine and Topalli

Week V.

Tuesday, *The Legal Process*, Chapter 4 by Talesh

Thursday, *The Legal Process*, Chapter 16 by Massoud

[Round Table on *The Legal Process*](#)

- **Part II. *The Worlds Cause Lawyers Make: Structure and Agency in Legal Practice* edited by Austin Sarat and Stuart Scheingold.**

Week VI.

Tuesday, *The Worlds Cause Lawyers Make*, Introduction by Sarat and Scheingold

Thursday, *The Worlds Cause Lawyers Make*, Chapter 2 by Willemez

Week VII.

Tuesday, *The Worlds Cause Lawyers Make*, Chapter 3 by Southworth

Thursday, *The Worlds Cause Lawyers Make*, Chapter 5 by Israël

Week VIII.

Tuesday, *The Worlds Cause Lawyers Make*, Chapter 10 by Patricia Woods [Sohn]

Thursday, *The Worlds Cause Lawyers Make*, Chapter 11 by Krishnan

[Round Table on *The Worlds Cause Lawyers Make*](#)

- **Part III. *Law and Legality in the Ottoman Empire and Republic of Turkey* edited by Kent F. Schull, Robert W. Zens, M. Safa Saracoglu.**

Week IX.

Tuesday, *Law and Legality in the O.E...*:

- ✓ Introduction by Schull and Saracoglu; and Chapter 1 by Fitzgerald

Thursday, *Law and Legality in the O.E...*, Chapter 2 by Hosainy

SPRING BREAK! BE SAFE!

Week X.

Tuesday, *Law and Legality in the O.E...*, Chapter 3 by Nizri

Thursday, *Law and Legality in the O.E...*, Chapter 4 by Saracoglu

Week XI.

Tuesday, *Law and Legality in the O.E...*, Chapter 5 by Cuno

Thursday, *Law and Legality in the O.E...*, Chapter 8 by Schull

Round Table on Law and Legality in the Ottoman Empire and Republic of Turkey

- **Part IV. Judicial Independence in China: Lessons for Global Rule of Law Promotion** edited by **Randall Peerenboom**.

Week XII.

Tuesday, *Judicial Independence in China*, Introduction by Peerenboom

Thursday, *Judicial Independence in China*, Chapter 4

Week XIII.

Tuesday, *Judicial Independence in China*, Chapter 5

Thursday, *Judicial Independence in China*, Chapter 6

Week XIV.

Tuesday, *Judicial Independence in China*, Chapter 8

Thursday, *Judicial Independence in China*, Chapter 9

Round Table on Judicial Independence in China: Lessons for Global Rule of Law Promotion

- **Conclusions**

Week XV. Conclusions and Wrap-Up of Class; Discussion overview of class readings.

UNIVERSITY AND COURSE POLICIES

ABSENCES AND MAKE-UP ASSIGNMENTS

- Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies, which can be found at: ufl.edu/ugrad/current/regulations/info/attendance.aspx
- Absences. Attendance is recorded in class and appears on Canvas in your Gradebook. It is 10% of your grade. If you have a medical or scholastic excuse (with note or letter), please see me and I will remove the absence from your Gradebook.
- Make-up assignments will not be allowed without a scholastic, medical, or other approved excuse.

ACCOMMODATION

- Students with disabilities requesting accommodation should first register with the Disability Resource Center (352-392-8565), or [Disability Resource Center - Disability](#), by providing appropriate documentation. Once registered, students will receive an accommodation letter

which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

CLASS DEMEANOR

- **Tardiness:** Please do not be tardy. If you are tardy, come in quietly and do not disturb lecture, discussion, or other classroom activities. More than 3 tardy days will impact your participation grade negatively.
- **Cell Phones:** Students may have their cell phones out in class if they feel it is important for their safety; however, please do not read, use, or play with your cell phone during class.
- **Respect:** All participants in this class are asked and expected to be respectful to one another during discussions and other class exercises, remembering that your student body (and the American polity) includes intelligent people of vastly ranging political, religious, social, and other opinions and subject positions. Discourse in this class is expected to cover a wide range of opinions and subject positions in a way that is civil at all times. We will practice how to do this in class. Sometimes it is hard work. Your cooperation in this effort will be greatly appreciated!
- **Email:** [Please use internal Canvas email system for all emails relating to this course. Thank you!](#)

MATERIALS & SUPPLIES, AND STUDENT COURSE EVALUATIONS

- Materials and supplies fees: texts. Students are expected to have access to a computer and to the internet in order to write and to submit assignments. Some films (or portions thereof) may be assigned or recommended. If assigned, they will be available for free access or for check-out at the Reserve Desk at Library West or Smather's e-reserves. If recommended, they may either be freely available or available for rent.
- Student evaluations: Students are asked to provide feedback on the quality of instruction in this course by completing online evaluations at [Students - Faculty Evaluations - University of Florida](#). When providing your evaluation of the course, rather than applying any prior ideas you may have come into the class with regarding pedagogical methods (e.g., how and what should be taught), I ask that you think in terms of:
 - *Content that you have learned*
 - *Skills that you have developed* (analytical reading, analytical writing, speed of reading for argument, practice in comparing competing ideas and arguments in terms of analytical distance, scholarly public speaking skills in a classroom setting, etc.)
 - *Theories that you have learned to consider, compare, and contrast*

CANVAS

- All assignments will be submitted and graded on-line through Canvas, our on-line course and assignments platform at UF. If this causes you hardship, please contact me immediately so that we can arrange a suitable alternative.
- This class is an in-person class. Students who are sick or who are not cleared for campus may view the class via Zoom during class session; students must contact the instructor in advance if they would like to attend via Zoom. Students are not guaranteed an ability to participate

in the class via Zoom. More than 5 days viewing class via Zoom without a medical or other acceptable excuse by University policy will result in a decreased participation grade; students may be allowed to complete a make-up assignment to fulfill the “Ad Hoc Participation” part of their grade with permission. Students without a medical or scholastic excuse will not be able to do a make-up assignment to fulfill their participation grade.

STUDENT HONOR

- UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the [Honor Code](#).” On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The [Conduct Code](#) specifies a number of behaviors that are in violation of this code and the possible sanctions. Click here to read the [Conduct Code](#). If you have any questions or concerns, please consult with the instructor or TAs in this class.

IN-CLASS RECORDING

- This class is highly based upon discussion; students will be asked to speak in class about the readings and will gain a great deal of experience in doing so. Recording of class discussion is *not allowed*. If Zoom is on, class discussion will also not be recorded.

The class include lectures. Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used, by University Policy, are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

- A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session.
- Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student [Honor Code](#), and Student [Conduct Code](#).

CAMPUS RESOURCES

Health and Wellness

- U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit U Matter, We Care website to refer or report a concern and a team member will reach out to the student in distress.
- Counseling and Wellness Center: Visit the Counseling and Wellness Center website or call 352-392-1575 for information on crisis services as well as non-crisis services.
- Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need, or visit the Student Health Care Center website.
- University Police Department: Visit UF Police Department website or call 352-392-1111 (or 9-1-1 for emergencies).
- UF Health Shands Emergency Room / Trauma Center: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; Visit the UF Health Emergency Room and Trauma Center website.
- GatorWell Health Promotion Services: For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the GatorWell website or call 352-273-4450.

ACADEMIC RESOURCES

- [E-learning technical support](#): Contact the UF Computing Help Desk at 352-392-4357 or via e-mail at helpdesk@ufl.edu.
- [Career Connections Center](#): Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services.
- [Library Support](#): Various ways to receive assistance with respect to using the libraries or finding resources.
- [Teaching Center](#): Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring.
- [Writing Studio](#): 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers.
- [Student Complaints On-Campus](#): Visit the [Student Honor Code](#) and [Student Conduct Code](#) for more information.
- [On-Line Students Complaints](#): View the Distance Learning Student Complaint Process.

TECH HELP

The first place to call for any and all CANVAS or technical computing questions relating to this course, including use of Smather's e-reserves; call:

For all Technical assistance questions please contact the [UF Computing Help Desk](#) - (352) 392-HELP (4357) | helpdesk@ufl.edu

- [UF Virtual Private Network \(VPN\)](#)– secured internet connection required for some UF services. I highly recommend that you use the UF-VPN for this class. It makes accessing articles and books on e-reserves FREE. In some cases, when you are off campus, without the UF-VPN, you may be asked to pay for e-reserves readings. Please do not -- just download

the UF-VPN. You can call the UF Computing Help Desk if you would like someone to walk you through the process.