Course Description
This course explores the role of law and courts and the nature of rights in authoritarian regimes. Law and courts in authoritarian regimes typically have been regarded as irrelevant or largely absent. Yet, authoritarian regimes themselves have invested significant economic resources and political capital in building up judiciaries, professional bars, and awareness of law among their citizenries. In addition, international agencies like the World Bank, the United Nations, the German Ministry of Justice, the U.S. Department of State, and the American Bar Association—to name only a few—have spent billions of dollars promoting the rule of law in authoritarian regimes around the world. Why? For background, we consider the origins of “rights revolutions” in democracies as well as the nature of authoritarian regimes—military, Leninist, single-party, and multi-party. We then explore the dynamics of courts in authoritarian regimes. At the constitutional level, we examine several theories explaining how an independent judiciary with powers of judicial review might arise within authoritarian context. We consider the possible motivations of judges, whether as promoters of ideology, societal norms, or their own careers. We will examine the role of citizen’s legal consciousness and domestic and international advocacy networks in promoting political, economic, and social rights through the legal system. Finally, we will look at the way “rule-of-law” promotion affects rights “on the ground,” examining the efforts of farmers and workers around the world to defend their rights to land and livelihood. Over the quarter you will develop thoughtful answers to the following questions:

Why do authoritarian regimes engage in “rule-of-law” promotion? Is law simply an instrument of social control for the regime? If so, why law? Do legal forms make an authoritarian regime more legitimate domestically or internationally? Does the promotion of law help the ruling elites better control their own staffs? Is law essential for economic growth, even in authoritarian regimes?

Who is empowered by law? Does law serve to strengthen the hegemony of ruling elites, or does it enable citizens to challenge state actions? Whether in the context of a de jure right to free expression, private property, or legal treatment at the hands of a police officer or state bureaucrat, in principle, the “rule of law” provides citizens with legal recourse when their rights are violated. Alternatively, can law be designed to gag free speech, facilitate concentrate of property in the hands of the powerful, and shield agents of the state from accountability? How do constitutional and legislative design, selection of judges, citizen knowledge and awareness, and the nature of civil society affect people’s experience of law in practice?

What are the political consequences of promoting the “rule of law”? Can law constrain the state’s political or economic power in an authoritarian regime? Does “rule-of-law” promotion lead to democratization?
Course Requirements

Participation (30%) is assessed on three factors. First, you are expected to read the assigned material before class and to contribute to discussion regularly and thoughtfully. Second, you will give two short presentations (approximately 5 minutes) based on the readings for that day, and you will co-facilitate class discussion. Your presentation should critique the readings, raise questions, and draw connections to other readings and themes of the course. The purpose of your presentation is to launch discussion, and you will help direct the conversation that follows, by preparing 2-3 questions for your fellow students. Third, you will give a 5-10 minute presentation of your research at the end of the quarter.

Quizzes (40%) Four, short in-class quizzes (10% each) will ask you to demonstrate your understanding of course readings and discussions in carefully reasoned essays. Students are responsible for bringing their own blue books.

A research paper (30%) of roughly 10-12 pages can take one of two forms: 1) An analysis of one of the following: constitutional design, the role of judges, citizens’ legal consciousness, or the role of legal support networks in a given authoritarian regime and issue area in such a country, using the secondary literature; 2) An analysis of a legal case or set of cases from an authoritarian regime in light of one or more themes of the course, using secondary—and where possible, primary—sources. We will discuss your paper ideas in class throughout the quarter. A one-page outline of your research topic is due in class on Tuesday, May 21. The final paper is due on Monday, June 10, 2013, by 5:00pm via Catalyst Dropbox.

Deadline extensions are permitted only in documented emergencies. Also, please make sure you are familiar with the norms of academic honesty. (http://www.polisci.washington.edu/Dept_and_Univ_Policies.pdf).

Course Materials

All materials are available through the course website or full-text online through UW Libraries. The url for the course website is: http://faculty.washington.edu/switing/pols469.

Additional Course Information

If you would like to request academic accommodations due to a disability, please contact Disabled Student Services, 448 Schmitz, 543-8924 (V/TDD). If you have a letter from Disabled Student Services indicating you have a disability that requires academic accommodations, please present the letter to me so we can discuss the accommodations you might need for class.

Course Schedule

The following course schedule indicates the required readings for each week and the topic for each class.

PART I: FRAMEWORK AND BACKGROUND

WEEK ONE
Tuesday, April 2, 2013
Introductions, Expectations, Presentation Sign-ups

Thursday, April 4, 2013
How does a Rights Revolution Occur in a Democratic Regime? Constitutional Design, Judicial Beliefs, Citizen Consciousness, and Advocacy Networks
WEEK TWO
Tuesday, April 9, 2013
Authoritarian Context: Typologies of Authoritarian Regimes

Thursday, April 11, 2013
Quiz #1 on Democratic Rights Revolutions and Authoritarian Regimes

PART II: CONSTITUTIONAL DESIGN AND THE ROLE OF JUDGES
WEEK THREE
Tuesday, April 16, 2013
Constitutional Courts: Commitment Theory

Suggested Readings:

Thursday, April 18, 2013
Popular Constitutionalism

Suggested Readings:
WEEK FOUR
Tuesday, April 23, 2013
Constitutional Courts: Insurance Theory

Suggested readings:
Maria Popova, “Political Competition as an Obstacle to Judicial Independence: Evidence from Russia and Ukraine,” Comparative Political Studies Vol. 43, No. 10 (October 2010), pp. 1202-1229.

Thursday, April 25, 2013
Quiz #2 on Constitutionalism in Authoritarian Regimes
“Zones of Exception”

Suggested Readings:
Flora Sapio, Sovereign Power and the Law in China (Boston: Brill, 2010), pp. 1-29.

WEEK FIVE
Tuesday, April 30, 2013
Judges as Members of the Community
Theory: Chapters 1-2, pp. 1-79; Women’s Rights: Chapter 3, pp. 84-137; Journalists’ Rights: Chapter 5, pp. 191-233.

Thursday, May 2, 2013
Judges as State Agents
In class: “The People’s Court”

Suggested Readings:
WEEK SIX
Tuesday, May 7, 2013
Quiz #3 on the Roles of Judges under Authoritarianism
Strategic Defection: Judges as Careerists

PART III: CITIZENS AND SUPPORT NETWORKS
Thursday, May 9, 2013
Legal Consciousness
In class: “White Horse Village,” BBC

Suggested Readings:

WEEK SEVEN
Tuesday, May 14, 2013
Legal Consciousness

Thursday, May 16, 2013
In-class Discussion of Research Questions
Diffusion Models

Suggested readings:
WEEK EIGHT
Tuesday, May 21, 2013
Research outline due

Support Networks: Legal Advocacy

In-class: “Young & Restless in China: Zhang Jingjing,” WGBH Frontline

Thursday, May 23, 2013
Research Day

WEEK NINE
Tuesday, May 28, 2013
Rule-of-Law Promotion

Suggested Readings:
Eva Pils, “Peasants’ Struggle for Land in China,” in Ghai Yash, et al., eds., Marginalized Communities and Access to Justice (Routledge, 2009), pp. 136-161. UW Library E-Reader

Thursday, May 30, 2013
Quiz #4 on Legal Consciousness, Support Networks and Rule-of-Law Promotion

Rule-of-Law Promotion

Suggested Readings:
WEEK TEN
Tuesday, June 4, 2013
Presentation of Student Research

Thursday, June 6, 2013
Presentation of Student Research

FINAL PAPER DUE
Monday, June 10, 2013, 5:00pm by Catalyst Dropbox.