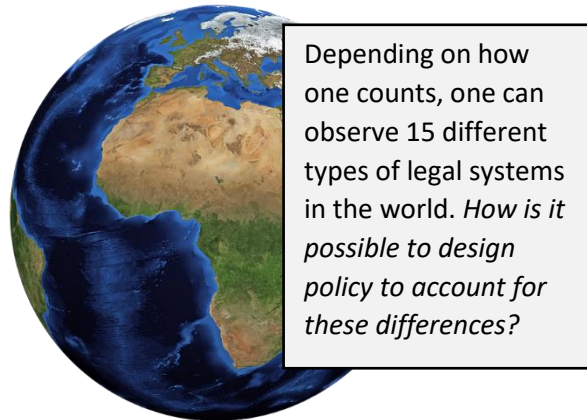# COMPARATIVE LAW & PUBLIC POLICY F2023

Dr. Valenta Kabo

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Office Hours

Wednesdays, 10:00-12:00 pm (sign-up)

or by appointment

Depending on how one counts, one can observe 15 different types of legal systems in the world. *How is it possible to design policy to account for these differences?*

Course Objectives & Goals

How do I research laws from another country? The first part of this course is devoted to a "crash course" in foreign legal research. While we do not cover all of the intricacies of researching law in another country, this session will provide you with a knowledge of basic resources and approaches. By the end of this session, you should have sufficient knowledge to begin your semester research paper.

What are the major legal families? How do they differ from each other? The second part of the course provides an overview of the major legal families. By the end of these sessions, you should be able to describe key features of the different families, including their philosophical or religious orientations. In addition, you should be able to describe basic features of a few country-specific examples of some of these legal families.

How do I compare laws? Is criminal law better in the United States or in France? In which country are human rights protections superior? Comparison involves making different assumptions. This next segment of the course is devoted to understanding how we compare laws. By the end of these sessions, you will be able to describe the major methods that scholars use to compare laws and analyze laws from the perspective of one of these methods.

How do I solve policy problems in comparative law? Given the complexity and variation in laws across the world, and the ubiquity of law as a tool for policy problems, how can we solve policy problems using comparative law? Can we take law developed in one country and apply it to solve similar problems of another? How do we design law for countries where multiple legal authorities cover the same geographic region? How can laws be used to address multiple religions within one country context? The final section of the course is focused on using the knowledge gained throughout to address policy questions.

Course Format & Materials

Understanding different legal families and applying the knowledge to policy problems requires both depth and breadth. Law is an amalgam of content (the actual laws), procedure (how the law is practiced), philosophy (what the laws mean) and history (how the laws got to be what they are)

To enable students to capture the necessary depth and breadth, the course is structured so that *readings* will generally provide knowledge of history, content or specific legal examples. *Lecture* will discuss history, philosophical/religious perspectives and some practice. *Small group discussions and exercises* will enable you to synthesize the information by discussion with peers and further reflection.

All reading materials will be posted on the canvas site

Course Requirements & Evaluation

Attendance: Because we cover such a broad range of material, many aspects will be covered in lecture. Consequently, attendance is required. You are allowed to miss **TWO** classes, no explanation necessary.	**10%**
Discussion & Participation: An important part of learning is processing and synthesizing the information. Discussions provide a space for you to do this. Discussions may take the form of discussion questions or problems in small groups or large-group conversations.	10%
Quizzes: Because this course move somewhat quickly, and because the segments build on each other, weekly quizzes are offered to ensure understanding of the material. The quizzes are cumulative, and cover material for the week, plus prior material. The quizzes are **open note, timed** and **on-line.** Your **EIGHT** highest quiz grades will count for your final grade. The quizzes pull from a pool of questions. Therefore, some questions may be repeated in different weeks. If you take the quiz each week, this format enables you to "practice" learning the material without high risk to your grade.	10%
Research Paper: The semester paper offers you the opportunity to do a deep dive into a research or policy question of your choosing. You will compare the law on the topic in two different countries.	
The first parts of the paper: the research question, the background section and the legal research are ungraded. If you submit them on time, you will receive full credit. Each part is worth 5% of the grade	15%
The entire paper (previous sections + the analysis)	20%
Peer Feedback: There are two peer feedback sessions during the semester. This is an opportunity for you to brainstorm with your peers about your paper as well as provided helpful feedback to others.	10%
Mid Term: The midterm will cover basic information about legal families and systems and is designed to help you further synthesize and learn the material	10%
Simulation The course simulation is a "choose your own adventure" style computer program. You are placed in the role of an advisor to a country seeking to rebuild its legal system after a civil war. The simulation incorporates material from the entire semester. There are no right or wrong choices. You are evaluated on how you choose to justify your choices using material from throughout the course.	15%
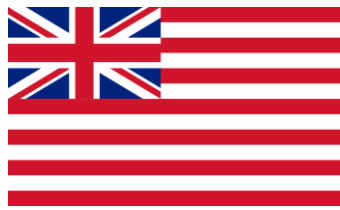
Course Schedule:

Intro Class	Tuesday, August 29
Foreign Legal Research	Thursday, August 31
Civil Law	Tuesday, September 5
Common Law	Thursday, September 7
Islamic Law	Tuesday, September 12
Peer Brainstorming Session	Thursday, September 14
DUE: Research Question	Sunday, September 17
Customary Law	Tuesday, September 19
Hindu Law	Thursday, September 21
Socialist Law	Tuesday, September 26
Confucian Law	Thursday, September 28
Paper Meetings	Tuesday, October 3
Paper Meetings	Thursday, October 5
DUE: Background on countries and problems	Sunday, October 8
MIDTERM	Tuesday, October 10
Functionalism	Thursday, October 12
Fall Break	Tuesday, October 17
Law and Economics	Thursday, October 19
Critical Legal Studies	Tuesday, October 24
Hermeneutics	Thursday, October 26
DUE: Legal Research	Sunday, October 29
Peer Paper Feedback Session	Tuesday, October 31
Legal Pluralism	Thursday, November 2
Legal Transplants	Tuesday, November 7
Legal Transplants	Thursday, November 9
Law and Development	Tuesday, November 14
World Bank and Development Orgs	Thursday, November 16
DUE: RESEARCH PAPER	Sunday, November 19
Flex Day	Tuesday, November 21
Thanksgiving Break	Thursday, November 23
Religion	Tuesday, November 28
Law Reform/Post Conflict	Thursday, November 30
SIMULATION	Tuesday, December 5

Course Policies:

Ford School Inclusivity Statement: Members of the Ford School community represent a rich variety of backgrounds and perspectives. We are committed to providing an atmosphere for learning that respects diversity. While working together to build this community we ask all members to:

- share their unique experiences, values and beliefs
- be open to the views of others
- honor the uniqueness of their colleagues
- appreciate the opportunity that we have to learn from each other in this community
- value one another's opinions and communicate in a respectful manner
- keep confidential discussions that the community has of a personal (or professional) nature
- use this opportunity together to discuss ways in which we can create an inclusive environment in Ford classes and across the UM community

Ford School Public Health Protection Policy: In order to participate in any in-person aspects of this course--including meeting with other students to study or work on a team project--you must follow all the public health safety measures and policies put in place by the State of Michigan, Washtenaw County, the University of Michigan, and the Ford School. Up to date information on U-M policies can be found [here](). It is expected that you will protect and enhance the health of everyone in the Ford School community by staying home and following self-isolation guidelines if you are experiencing any symptoms of COVID-19

Student Mental Health and Wellbeing: The University of Michigan is committed to advancing the mental health and wellbeing of its students. We acknowledge that a variety of issues, both those relating to the pandemic and other issues such as strained relationships, increased anxiety, alcohol/drug problems, and depression, can directly impact students' academic performance and overall wellbeing. If you or someone you know is feeling overwhelmed, depressed, and/or in need of support, services are available.

You may access the Ford School's embedded counselor Paige Ziegler (contact information TBD) and/or counselors and urgent services at [Counseling and Psychological Services](https://) (CAPS) and/or [University Health Service](https://) (UHS). Students may also use the Crisis Text Line (text '4UMICH' to 741741) to be connected to a trained crisis volunteer. You can find additional resources both on and off campus through the [University Health Service](https://) and through [CAPS](https://).

Accommodations for Students with Disabilities: The University of Michigan recognizes disability as an integral part of diversity and is committed to creating an inclusive and equitable educational environment for students with disabilities. Students who are experiencing a disability-related barrier should contact Services for Students with Disabilities https://ssd.umich.edu/; 734-763-3000 or ssdoffice@umich.edu). For students who are connected with SSD, accommodation requests can be made in Accommodate. If you have any questions or concerns please contact your SSD Coordinator or

visit SSD's Current Student webpage. SSD considers aspects of the course design, course learning objects and the individual academic and course barriers experienced by the student. Further conversation with SSD, instructors, and the student may be warranted to ensure an accessible course experience.

Academic Integrity: The Ford School academic community, like all communities, functions best when its members treat one another with honesty, fairness, respect, and trust. We hold all members of our community to high standards of scholarship and integrity. To accomplish its mission of providing an optimal educational environment and developing leaders of society, the Ford School promotes the assumption of personal responsibility and integrity and prohibits all forms of academic dishonesty, plagiarism and misconduct. Academic dishonesty may be understood as any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community. Plagiarism involves representing the words, ideas, or work of others as one's own in writing or presentations, and failing to give full and proper credit to the original source. Conduct, without regard to motive, that violates the academic integrity and ethical standards will result in serious consequences and disciplinary action. The Ford School's policy of academic integrity can be found in the [MPP](#) [BA](#), and [PhD Program](#) handbooks. Additional information regarding academic dishonesty, plagiarism and misconduct and their consequences is available [here](#).

Ford Policy on the Use of Technology: Students should follow instructions from their instructor as to acceptable use of technology in the classroom, including laptops, in each course. All course materials (including slides, assignments, handouts, pre-recorded lectures or recordings of class) are to be considered confidential material and are not to be shared in full or part with anyone outside of the course participants. Likewise, your own personal recording (audio or video) of your classes or office hour sessions is allowed only with the express written permission of your instructor. If you wish to post course materials or photographs/videos of classmates or your instructor to third-party sites (e.g. social media), you must first have informed consent. ***Without explicit permission from the instructor and in some cases your classmates, the public distribution or posting of any photos, audio/video recordings or pre-recordings from class, discussion section or office hours, even if you have permission to record, is not allowed and could be considered academic misconduct.***

Please review additional information and policies regarding [academic expectations and resources](#) at the Ford School of Public Policy.

My Policies on Technology:

AI: You will be evaluated on your learning, your analysis and your growth and creativity. AI can circumvent this process and hinder your ability to grow as a policy analyst. However, AI is being used in legal organizations to simplify the research process. Consequently, for this class, AI should not be used for matters that require your own learning, analysis, thought or creativity but may be used in a limited fashion for research.

Computers: The use of computers in class is permitted but not preferred. Studies have shown that students who use a laptop to take notes in class retain less information than those who do not. If you are curious about the research behind these theories see Mueller, Pam A and Daniel M. Oppenheimer(2014), "The Pen is Mightier Than the Keyboard" *Psychological Science*, Vol 25, Issue 6, pp. 1159 – 1168; Ravizza, et. al. (2017), "Logged in and Zoned Out", *Psychological Science*, Vol 28, Issue 2, pp. 171-180

However, I also recognize that there are students who may need to use laptops for various reasons or who may not feel comfortable taking notes by hand. If you do use your computer in class, please restrict the use to course content.

Cell Phones Please turn your cell phone ringers off during class.

Additional Note: If you are using technology for something other than course content, you will be considered absent for the day.

Late Assignments: Late papers will be penalized a step grade for each day that the paper is late (i.e., if the assignment originally merited an A, it will be reduced to an A-). If you find yourself amid serious circumstances that affect your ability to complete the assignment, please let me know as soon as possible**.**

Feedback: Feedback about the class is extremely useful. My goal is to help you learn and engage with the material. The best way for me to understand your experience in the class is through feedback. If you have a question or comment and are not comfortable sharing with me, I have set up a survey link (see the canvas site). The link enables you to leave anonymous questions.

Absences: Attendance is mandatory. You are allowed two "freebies" for the semester. However, these "freebies" cannot be taken during the roundtables. If you are sick, please stay home, even if you have used your semester "freebies".

If you are of a particular religious persuasion, and you expect to have schedule conflicts, it is your responsibility (and university policy) to notify me. Absence for religious reasons does not excuse you from the work or requirements that may be due or assigned on a given day.

E-mail: Allow me 24 hours to respond to email. I will permit you the same courtesy. When you send me an e-mail, please put the course name in the subject heading. Without the course name in your subject heading, your e-mail may be accidentally deleted.

*On-line transition plan***:** In the event that we will need to switch to remote learning, we will use the zoom platform. Please go to the main page of canvas and look for links under the "NEW" section.