

Comparative Criminal Justice Systems

In this course the students will develop a theory based comparative understanding of the criminal justice organizations and processes. The main purpose of this course is to apply this knowledge in the context of Pakistan to better understand the Pakistani criminal justice system. The comparative approach is used to help students develop a) a theoretical foundation for understanding how the criminal justice systems operate and b) a knowledge base that would allow them to critically analyze and compare the different criminal justice systems. In the local context this approach is used as a proxy due to the lack of empirical literature on the Pakistani criminal justice system. However, the focus of this course will be on specific issues that are inherent to a varying degree in all systems rather than the structural differences in the various criminal justice systems and models. It will be maintained throughout this course that the nature and extent of these issues are not determined by the type of the criminal justice model implemented within a system but by an amalgamated effect actuated by various individual level, group level, organizational and contextual forces.

Special emphasis will be placed on the role of line level or street level bureaucrats in the actual administration of justice, who as representatives of the criminal justice organizations i.e. the law enforcement, the judicial and the correctional organizations, come in daily contact with the public and implement criminal justice policies. Empowered with administrative discretion and working within the constraints of the law, the local cultural, social and political context, and organizational structures these SLBs perform their overall function of delivering justice, while trying to negotiate a balance between the demands of the public, the goals of the organization, the demands of the middle and upper level criminal justice management, and their personal goals, dilemmas and concerns. On the other hand, during their day to day contact with the public, these SLBs symbolize the institutions that they represent and their behavior and decisions structure, define and redefine justice administration within a jurisdiction. Thus, after acquiring a structure based macro level understanding of criminal justice administration, during the course of this quarter, students will learn to look within structural frameworks and observe the malleable realities of justice administration. Furthermore, the students will also apply this knowledge to critically examine the Pakistani criminal justice system.

Course Sketch

Theme 1: Introduction to Criminal Justice theories, organizational theories and line-level behavior.

Theme 2: Comparative criminal justice systems and the importance of local context in criminal justice operations.

Theme 3: Policing, understanding police culture and police behavior.

Theme 4: Courts, the role of legal actors in judicial administration and the relationship between courts and communities.

Theme 5: Correctional organization, understanding parole, prison and juvenile justice administration.

Assessment

- class assignments 25%
- Class participation 15%
- Group projects 30%
- Research paper 30%

Class Assignments

At the beginning of each class students are required to submit a single page (double spaced paper) on the reading of the day.

The two themes that students should concentrate on in these papers are

1. What were the main themes and/or theoretical concepts presented in the readings?
2. What are their implications in the Pakistani context?

Group projects

Students will be divided into groups of two and shall be required to do the following projects during the quarter.

Criminal Justice System Models

Students are required to read “Comparative Criminal Justice Systems” for session 6. This book introduces six dominant criminal justice systems in the world namely the common law system, the federal civil law system, the unitary civil law system, the socialist system, the *sharia* system and hybrid systems. Depending upon the size of the class, each group will pick either one or two systems out of this list and write a 3 – 4 page (double spaced) paper explaining the system of their choice, using the examples given in the book. This paper will be due a day before session 6. The day before session 6 each group will email their papers to the rest of the class including the instructor. During session 6 each group explain to the class the characteristics of the system(s) they wrote their paper on in an 8 to 10 minute presentation.

Class reading presentations

Depending on the size of the class each group will be selected either once or twice to explain the main theoretical concepts introduced in the readings for the day, in an 8 - 10 minute presentation. The selections will be made by the instructor during the course of the quarter. The selection criterion will be discussed and determined during the first session of the quarter.

Movie Paper: You are required to choose and watch two movies out any of the three major topics i.e. the police, the courts or the prison/parole system, provided below. **The movie paper will be due at the beginning of session 20.**

Police

Serpico

NARC

Traffic

The French Connection

Courts

And justice for all

12 angry men

Prison/Parole

Cool Hand Luke

Shawshank Redemption

American History X

The Woodsman

You will then write a 5 to 7 page paper which will be organized in the following manner:

- 1) Introduction. Introduce your films and the major themes to be explored in your analysis, in about one paragraph.
- 2) Summary of the Stories. Write a very brief summary of the storyline events of the films in sufficient detail to inform someone who has not seen the video (**The Introduction and summary should not exceed one and a half page**).
- 3) Elements of Criminal Justice and Analysis of Presented Realities. Write a detailed discussion of the elements of the criminal justice system as you have come to understand them in terms of the films you viewed. What were the crucial contextual issues? Which parts were realistically (or not, in your opinion) represented? How were these concepts presented and treated in the films? How did they compare with your reading material? How do they compare with the Pakistani criminal justice system?
- 4) Conclusion and Opinions. Did the movies adequately portray the complexities involved in the criminal justice system? What, if any, insight(s) did you gain as a result of this assignment? How does your perception and understanding of the criminal justice system conflict with that shown in the films?

Research Paper

Students will be required to submit a minimum 8 page (double spaced) research paper, which will be due before the beginning of session 18. Each student will be required to either collect and analyze their own data or conduct a secondary analysis of existing data for this paper.

The paper will be divided into the following sections.

- Introduction (1 -2 pages)
- Research question or hypothesis
- Literature review (1 – 2 pages)
 - Only scholarly journal articles will be accepted.
- Methodology (1 page)
- Analysis (3 to 5 pages)
- Conclusion and recommendations
 - This section should include policy implications of the research and recommendations for future research

➤ References

*Details regarding each section will be discussed in class.

Due dates for research paper

Students will formulate two research questions on aspects of the Pakistani criminal justice system which are of interest to them and submit the questions to the instructor before the beginning of session 6. Along with the research questions the students will also have to identify possible data sources for analyzing these questions. The instructor will then have a discussion with each student regarding his or her research question and based on this discussion the student will then choose one of the two research questions for analysis. The students will then look for prior research on their chosen topic and submit at least three journal articles to the instructor before the beginning of session 10. These articles must be included in the literature review section of the research paper. The students will then either start collecting data or start looking for secondary data sources. Students are required to submit a copy of their raw data to the instructor before the beginning of session 16. The final research papers will be due before the beginning of session 18. Barring emergencies, no late submissions will be accepted.

Course Map

Week 1: Introduction.

Week 2: Introduction to criminal justice theory

Week 3: Understanding Line level behavior (1)

Week 4: Understanding line level behavior (2)

Week 5: Understanding line level behavior (3)

Week 6: Comparative criminal justice systems (1)

Week 7: Comparative criminal justice systems (2)

Week 8: Mid Term

Week 9: Importance of local context in criminal justice operations (1)

Week 10: Importance of local context in criminal justice operations: Globalization and Post Colonial Perspective (2)

Week 11: Policing: Explaining police behavior (Understanding police mentality, rationales for legitimizing abuse of discretionary powers and police corruption)

Week 12: Policing: Alternative policing strategies (Bottom up approach, community policing and the importance of Social Capital)

Session 13: Courts and communities

Session 14: Correctional organizations (Prisons and Parole)

Session 15: Final Exam

Reading List

Week 1

Readings

Fagan, J. and Tyler T. (2005). Legal Socialization of Children and Adolescents. Social Justice Research, 18 (3): 217- 242.

Rothstein, B. and Eek, D. (2009). Political Corruption and Social Trust. Rationality and Society 21 (1): 81 – 112.

Sunshine, J. and Tyler T. R. (2003). The role of Procedural Justice and Legitimacy in shaping Public support for Policing. Law and Society Review, 37(3): 513 – 548.

Nicholson-Crotty, S. and Meier, K.J. (2003). Crime and Punishment. The Politics of Federal Criminal Justice Sanctions. Political Research Quarterly, 56 (2): 119 – 126.

Heinz, J. P. and Manikas, P.M. (1992). Network among Elites in the Local Criminal Justice System. Law and Society Review, 26 (4): 831 – 861.

Week 2: Introduction to Criminal Justice Theory

Readings

Hagan, J. (1989). "Why is there so Little Criminal Justice Theory? Neglected Macro- and Micro-Level Links between Organization and Power." Journal of Research in Crime and Delinquency, 26 (2): 116-135.

Packer, H.(1964). "Two Models of the Criminal Process." In: Examining the Process: A Reader, James Inciardi (ed.): 113-123.

Feeley, M.M. (1973). "Two Models of the Criminal Justice System: An Organizational Perspective." Law and Society Review, 7(3): 407-425.

Bernard, T.J. and R.S. Engel, S.R. (2001). "Conceptualizing Criminal Justice Theory." Justice Quarterly, 18 (1): 1-30.

Week 3

Reading

Lipsky, M. (1980). Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. New York: Russell Sage (Pg. 1 - 50).

Week 4

Reading

Lipsky, M. (1980). Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. New York: Russell Sage (Pg. 51 – 100).

Week 5

Reading

Lipsky, M. (1980). Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. New York: Russell Sage (Pg. 101 – 160).

Week 6

Reading

Fairchild, E. and Dammer, H. R. (2000). Comparative Criminal Justice Systems (2nd ed.). Belmont, CA: Wadsworth Thomas Learning.

Week 7

Reading

Fairchild, E. and Dammer, H. R. (2000). Comparative Criminal Justice Systems (2nd ed.). Belmont, CA: Wadsworth Thomas Learning.

Week 8

Mid Term

Week 9

Utias, M. (2005). Victimacy, girlfriending, soldiering: Tactic agency in a young woman's social navigation of the Liberian war zone: Anthropological Quarterly, 78(2), 403 – 431.

Moffett, H. (2006). "These Women They forced us to Rape Them": Rape as Narrative of Social Control in Post-Apartheid South Africa. Journal of South African Studies, 32(1): 129 – 144.

Muldoon, P. (2008). The Sovereign expectations. Colonization and Foundation of Society. Social and Legal Studies, 17 (1): 59 – 74.

Recommended reading

Zimudzi, T.B. (2004). African Women, Violent Crimes and Colonial Zimbabwe, 1900 – 1952. Journal of Southern African Studies, 30(3): 499 – 517.

Week 10

Coldham, S. (2000). Criminal Justice policies in Commonwealth Africa: Trends and prospects. Journal of African Law, 44 (2): 218 – 238.

Tankebe, J. (2008). Colonization, legitimization, and Policing in Ghana. International Journal of Law, Crime and Justice, 36: 67 – 84.

Mehlum, H., Moene, K.O. and Torvik, R. (2002). Plunder and Protection Inc. Journal of Peace Research, 39 (4): 447 – 459.

Afrin, Z. (2008). Post-Conflict Justice in Iraq. Annual Survey of International and Comparative Law, 23: 23 – 37.

Recommended reading

Davis, D. E. (2006). Undermining the Rule of Law: Democratization and the Dark Side of Police Reform in Mexico. Latin American Politics and Society, 48(1): 55 – 86

Week 11

Van Maanen, J. 1978. "The Asshole." In P.K. Manning and John Van Maanen (eds). Policing: A View from the Street. New York: Random House.

Goldschmidt, J and Anonymous (2008). The necessity of dishonesty: Police deviance, 'making the case' and the public good. Policing and society, 18(2): 113 – 135.

Mohammad, F. and Conway, P. (2005). Political culture, hegemony and inequality before the law: Law enforcement in Pakistan. Policing 28(4): 631 – 641.

Week 12

Slansky D.A. and Marks, M. (2008). The role of rank and file officer in Police Reform. Policing and Society, 18(1): 1 – 6.

Goldstein, H. (1987). Towards Community Oriented Policing: Potential, Basic Requirements, and Threshold Questions. Crime and Delinquency, 33 (1): 6 – 30.

Pino, N.W. (2001). Community Policing and Social Capital. Policing, 24(2): 200 – 216.

Brewer, J.D., Lockhart, B. and Rodgers, P. (1998). The British Journal of Sociology, 49(4): 570 – 585.

Week 13

Sudnow, David. 1965. "Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office." Social Problems 12, 3. Pp. 255-275.

Scheingold, S. A. and Gressett, L. A. (1987), Policy, Politics, and the Criminal Courts. Law & Social Inquiry, 12: 461–505.

Dotan, Y. (1999) Judicial Rhetoric, Government Lawyers and Human Rights: The Case of the Israeli High Court of Justice during the Intifada, Law and Society Review 33 (2): 319-364.

Week 14

Schlager, M. D, (2008). "An Assessment of Parole Officer and Administrator Attitudes on Organizational Culture and Parole Supervision in a Northeastern State" Journal of Offender Rehabilitation, 47 (3): 271 – 289.

Gilbert, M. J. (1997). The Illusion of Structure: A Critique of the Classical Model of Organization and the Discretionary Power of Correctional Officers. Criminal Justice Review, 22 (1): 49 – 64.

Week 15

Finals Week.

