The Rule of Law Around the World: A College Seminar

Karen J. Alter, Professor of Political Science and Law
Northwestern University

A college seminar is an investigation of a topic and a demystification of what college is all about. You will write, collaborate, present and research, and your written work will be graded. You will also learn some of the rules about academic integrity. At bottom, however, a College Seminar is meant to be a welcoming learning community that helps you acclimate to the expectations, rigors, and challenges of college.

Our substantive focus is how the rule of law (ROL) operates around the world. Here is the spoiler: every legal system fails to live up to the ideal of the rule of law. There are both good and bad reasons why the legal systems fall short, and one might well conclude that the ideal is itself flawed. But then we have to wonder what the purpose is of the ROL, or any ideal for that matter?

We will be engaged in comparative analysis. You will be divided into teams that study one of five different ROL systems: the US, South Africa, Colombia, India and China. The US, South Africa, India and Colombia operate in democracies, and all have quality constitutional courts that by design check the exercise of political power. You will soon figure out that serious social and political challenges compromise the goal that is the ROL in all of these countries. You probably know of the American challenges, including rampant racial and other forms of discrimination and a politicization of judicial appointments to the Supreme Court. South Africa and India are post-colonial systems seeking to overcome terrible racial and social legacies. These populous countries continue to face huge societal challenges, to the point that one has to wonder whether even the best-intentioned and most skilled political leaders could deliver on the constitutional or ROL promise. Colombia’s excellent constitutional court was created to facilitate the country’s democratization process. International human rights were a foundational part of Colombia’s constitutional order, and Colombia is the only country in this set that falls under the jurisdiction of an international human rights court (the Inter-American Court of Human Rights). Yet Colombia’s civil war with FARC rebels has called Colombia’s human rights commitment into question. China is not a democracy, but it does have a constitution, a supreme court, and a professed commitment to the ROL. Studying China helps us to investigate the difference between a rule of law and a rule by law.

Given the extent of the social and political challenges each of these systems face, we must wonder how to grapple with the impossibility of achieving the ROL?

Learning Objectives:

1. *College seminar:* One seminar objective is to learn tricks of the trade: how to read and study efficiently and effectively, how and when to collaborate; how, when and where to seek help.
2. *What is your goal?* A second seminar objective is for you to define a set of personal goals for your college experience. You have 4 years to take a variety of classes, complete a major, and engage in new experiences. You want to be intentional about how you gain the most from four years at one of the best research and teaching institutions in the world.
3. *What can we reasonably expect from the ROL, or any political system?* We will learn how the ROL is used both as tool of governance, and as protection against governments. We will also learn how every ROL system falls short of the ideal, why efforts to export the ROL often fail, and how ROL systems stay resilient or become fragile.
4. *Beginning research and public speaking:* The country teams will help seminar participants learn about different countries’ ROL challenges. Research proceeds through group collaboration, an individual research project, and presentations to the seminar.

Your guide in the seminar’s substantive investigation is an expert in international law and international adjudication. Rather than seeing international law as fundamentally different from domestic law, Professor Alter takes a comparative law approach to understanding how international law works. The common explanation for why the international rule of law falls short is that international law lacks legitimacy (e.g. it is too Western and/or too tethered to US power) and/or international law lacks a centralized enforcer. Yet if legal systems in highly functioning countries, with central governments, political legitimacy and police power, cannot achieve the ideal of the rule of law, then what should we expect of any legal system–domestic or international? This question, as well as field work conducted in Latin America, Europe and Africa has led Professor Alter to investigate the questions this seminar will explore.

Book to purchase:

Tom Ginsburg & Aziz Z. Huq *How to Save a Constitutional Democracy.* Chicago: University of Chicago Press, 2018. There are many used copies on Amazon.

ASSIGNMENTS, ASSESSMENTS & POLICIES:

The best practice is for an assessment to help you to learn. This means that assignments are not tests of what you have learned, rather they should be mechanisms to improve, measure, and achieve reflection and learning. So here is the only answer to how to do well in college. To get a B or B+, do the work and demonstrate that you have learned the material. To get better than a B+, you must demonstrate not only learned knowledge, but also excellence. Assessments and A grades are not an end in themselves. They should be seen as a means to the end of mastering the course material and pursuing excellence. Excellence requires creativity and thought. There are some basic skills involved in demonstrating excellence (e.g. good writing, providing evidence, drawing on yet going beyond summarizing class materials). Also, excellence is a systems goal. Ask me what I mean by “a systems goal.”

**1. Active engagement in mastering college skills: 25 % (Weekly assignments, bundled for submission Nov 28)**

The active engagement grade is a labor-based grade, which means the grade is for engagement (high effort = good grade), with no top-down assessment of the content of the work. Active engagement includes regular attendance, timely submission of college seminar writing assignments, class participation, presentations to the class about your assigned country, draft & peer review of the research paper, and completion of at least seven of the academic engagement challenges. There are some due dates and specifics.

1. **College Seminar Assignment**: These are where we work on college skills. Some weeks require written submission **due on Canvas by noon on Tuesday before we meet**. This assignment includes note taking that must be repeated until a satisfactory mark is achieved.
2. **Active Engagement Challenges:** You must complete 7 of the listed challenges. You get to choose which of the 7 you complete, and each involves a short write up.
3. **Active Engagement Report on November 28 (first day of reading week):**This is where you bundle your College Seminar Assignments and Active Engagement reports, submitting the bundle on Canvas.

 **2. Short paper working with class material, due October 30 : (15%)**

This take-home essay is practice for the final paper and exam. The assignment is to revisit and expand your opening essay: What does the Rule of Law Entail? This time you will engage at least 3 readings from the first 6 weeks of course. The essay should be 3-4 pages, double spaced, 12 point font, 1 inch margins.

**3. Mini Research project: 40%, Two due dates- you choose November 20 or 27**This is a 6-8-page paper on a rule of law challenge that vexes your assigned country, or a country of your choosing. I must approve the paper topic in advance, and you must draw on at least three academic sources. You will also present your research project to the seminar the last week of class (Thanksgiving week- 5 imnutes per person). Examples of possible topics:

* *Achieving a constitutional promise:* Take one article from the country’s constitution and assess how the country, a specific policy, or a legal ruling falls short on realizing this constitutional promise. What do you then conclude about the efficacy of the constitution or the ROL promise? Would it be better not to promise something that cannot be delivered?
* *Holding the government accountable:* Explore an example where a political leader or the government seems to be able to operate outside of a system of legal checks. How does the leader or government avoid being legally checked? Does avoidance or an inability to check a government mean the ROL is illusory, or that the system you are studying is actually a rule-by-law system?

Paper topic must be approved by **November 4.** Class Presentations Nov. 16 or 24. **Paper due November 20 or 27.** The earlier date is for those who prefer to get the project done before thanksgiving. Presentations will be November 16.

**4. Final Exam: 20 %***.* A take home essay due at the time of the regularly scheduled final exam (find date [here](https://www.registrar.northwestern.edu/calendars/final-exam-schedules/)). The final is a chance for you to draw together the material we have covered in the class. A specific question and guidance will be provided. The final exam requires no new research or reading, and it will be 5-6 pages in length.

**Class Policies:** A Canvas page lists our class policies. These policies including no electronic devices in class; penalties for late work; confidentiality, recording and sharing rules designed to protect academic freedom; and a special college-seminar ‘do over’ for note-taking, the short paper and the mini research paper.

Weekly Assignments: A= Monday. B=Wednesdays. There are 4 types of readings:

1. \*= look under course reserve.
2. Hyperlinked: connects to a source on the web or to a reading put on Canvas
3. E-book & physical library reserves: The library has the Ginsburg & Huq books on reserve. If I exceed fair use on the Massoud book, you will find the ebook & the physical book at the library
4. You were asked to purchase this book: Tom Ginsburg & Aziz Z. Huq *How to Save a Constitutional Democracy.* Chicago: University of Chicago Press, 2018

PART 1: INTRODUCING THE TOPIC & THE COLLEGE EXPERIENCE

**Prework: Due Sunday September 18 7pm:** Write a 1 page single space statement of what you think the rule of law should entail. I don’t want you to do any research for this. Keep a copy for your Active Engagement Report, and also drop a copy into the shared google doc (link on Canvas).

### WEEK 1: WHAT IS THE RULE OF LAW?

1. What are your priors, and where do these priors come from? (+ introduction to Canvas)
2. Please read so we can discuss your posted writings on what is the rule of law (assembled in the google doc (link on Canvas)).
3. Discussion of the “hidden curriculum” of college.
4. Introduction to Canvas: watch “Navigating Canvas” Panopto presentation and complete the scavenger hunt listed on this week’s Canvas page.
5. Review the policies on electronic devices, confidentiality, and course do-overs.

***College Seminar Assignment****:* Your pre-assignment was the weekly assignment. Also take a look at the Active Engagement Challenge Assignments for the quarter.

### WEEK 2: WHAT DO EXPERTS TELL US ABOUT THE RULE OF LAW?

A. Two very short political theory readings on the state and the law

Critical thinking question: What do these readings by two dead white men teach us?

From Austin Sarat’s *The Social Organization of the Law.* Reading are on Canvas.1) Thomas Hobbes *Leviathan* excerpt
2) John Stuart Mill’s *On Liberty* excerpt.

B. Standard Western Conceptions of what the ROL is

*Critical thinking question:* What do policy-makers and experts contribute to the conversation? How do we decipher if experts have an agenda?

*Substantive question: Should the Western version be the standard? Should the West foist this standard on others?*

1. Brian Tamanaha 2021. “Functions of the Rule of Law” *Cambridge Companion to the Rule of Law:* Chapter 12 [Who is Brian Tamanaha](https://law.wustl.edu/faculty-staff-directory/profile/brian-z-tamanaha/)?
2. Carothers, Thomas. 1998. The Rule of Law Revival. *Foreign Affairs* 77(2): 95-106. [Who is Thomas Carothers?](https://carnegieendowment.org/experts/9) Also, Carother’s stock taking on whether the ROL promotion project works is [here](https://carnegieendowment.org/files/wp34.pdf).
3. US Institute of Peace video on the [Rule of Law](https://www.usip.org/publications/2012/03/what-rule-law)
4. Ted Piccone “[The rule of law is under duress everywhere](https://www.brookings.edu/blog/order-from-chaos/2020/03/17/the-rule-of-law-is-under-duress-everywhere/)” *Brookings* blog post with some data.

***College Seminar Assignment 2:***First read [*Taking Notes to Help You Learn*](https://www.northwestern.edu/academic-support-learning/academic-strategies/find-strategies-for-success/taking-great-notes.html)*.* Then take reading notes on either the Tamanaha or Carothers readings. The notes should include the citation up top, and the purpose of the notes is to summarize the reading/argument.

**Perhaps do the engagement challenge to learn about Zotero**

### WEEK 3: CONTRASTING RULE OF LAW & RULE BY LAW

A. Different conceptions of the ROL

*To avoid the label "Western Centric" should we just accept what any government wants to define as the ROL?* The risk is that China (and others) may appropriate Western terminology and then turn it on its head. China claims to respect human rights ‘with Chinese characteristics’ and its own constitution, at the same time that the Communist Party will without compunction change the constitution (e.g. removing term limits on the current President) and re-write the rights promised to Hong Kong. If these are 'legal' actions, then do we want to say that China adheres to the ROL?

The Speigelman article is written in 2002, and he is trying to figure out if Chinese reforms are serious. Bosco’s article explains what happened in the next 20 years. Look at Xi Jinping’s plan to build the ROL. Is this plan leading to a Western ROL?

1. J. J. Spigelman. 2002. China: Rule of Law or Rule by Law? *Quadrant* September: 36-42. [Who is J.J. Spiegelman?](https://www.supremecourt.justice.nsw.gov.au/Pages/sco2_aboutus/sco2_history/chief_justices/honourable_james_jacob_spigelman.aspx)
2. Joseph Bosco. 2020. America’s Rule of Law v. China’s Rule of Law *The Hill* 12/29/20. [On line resource](https://thehill.com/opinion/international/531857-americas-rule-of-law-v-chinas-rule-by-law). [Who is Joseph Bosco?](https://www.icasinc.org/bios/bosco_j.html)
3. [Plan on Building the Rule of Law in China (2020-2025)](https://www.chinalawtranslate.com/en/%E6%B3%95%E6%B2%BB%E4%B8%AD%E5%9B%BD%E5%BB%BA%E8%AE%BE%E8%A7%84%E5%88%92%EF%BC%882020-2025%E5%B9%B4%EF%BC%89/)
4. Sign up for your country research team this week

B. How to manage texts you do not understand

The assigned reading is difficult, and that is part of the challenge (the substance is also germane). Before you read, first check out [this page about common reading mistakes,](Please%C2%A0%20read%2C%20for%20discussion%2C%20%22What%20Straight%20A%20Students%20Get%20Wrong%22%20and%20spend%20some%20time%20delving%20into%20Time%20Management%20%26%20What%20Works%20for%20Studying%20materials%20on%20Canvas) and consult the Rajah Reading Guide (on Canvas)

1. Rajah, Jothie. 2012. Law, Illiberalism and the Singapore Case. In *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore* (Cambridge University Press). (To shorten the reading, I cut out an extremely interesting discussion of race and the colonial past in Singapore.
2. Please read, for discussion, "[What Straight A Students Get Wrong](https://www.nytimes.com/2018/12/08/opinion/college-gpa-career-success.html)" and spend some time delving into [Time Management](https://canvas.northwestern.edu/courses/173603/pages/time-management) & [What Works for Studying](https://canvas.northwestern.edu/courses/173603/pages/study-strategies) materials on Canvas

***College Seminar Assignment 3:* Define your college goals.** What skills and personal growth are you hoping to advance during college? Submit these goals in Canvas, and also add your goals—without your name—to a class google doc (link on Canvas). We will return to these goals at the end of the seminar.

Weekend: a blind jump into research

*Thinking ahead* note—The seminar paper assignment is to research a problem in your assigned legal system. If you come upon a topic that looks interesting, perhaps download some articles that you might return to for your paper.

*Assignment:* You should work as a team, and each of you should spend 1-2 hours looking for and skimming materials you find on the rule of law in your assigned countries. I suggest that you use different search engines: one of you do a [library search](https://search.library.northwestern.edu/discovery/search?vid=01NWU_INST:NULVNEW&sortby=rank&lang=en) (how to video [here](https://www.youtube.com/watch?v=xlGbR1sHs8w)), another a [google scholar search](https://scholar.google.com/), and another a blind mine the internet (e.g. a general google searches). You might search for “rule of law” + your country. When you find something that is interesting, you might need to do a library search to access the title. You will learn that most of what you find is not about the ROL, but about some application or expectation of the ROL for a particular issue. You are likely to find that scholarship is focused on problem areas, and this focus on problems constructs a narrative about how the country fails to reach the ROL ideal. If possible, please have lunch together or grab a coffee before class, to share what you learned. I will ask teams to report on their research to the class.

1. *Pedagogic Goal:* We want to learn what you find when you jump right into research, and we also want to start to learn about your countries. Some questions to spur your exploration include:
* When was system majorly reformed, and what was the impetus for the reform (this may be important historical context)
* Are courts checking the government? If so, how are governmental actors held in check?
* What rights for citizens does the legal system create?
* What is the system known for (what do scholars seem to be writing about)
* What seems to garner a lot of judicial activity?
* Are there issues that seem to be ignored, perhaps constant complaints in literature?

My guess is that you will find it hard to answer these very basic questions through your research. I will be curious what you find.

### WEEK 4: THE ROL AS A LEGAL SYSTEM

1. Constitutional systems: How the state governs
2. Alexis de Tocqueville. 1835. Excerpts of Chapter 8: Of the Federal Constitution from Alexis de Tocqueville *Democracy in America.* Canvas has a reading note to guide your reading.
3. Susan Sibley, Legal Consciousness (New Oxford Companion to Law)- very short… Does this concept capture what de Tocqueville was talking about?
4. Research Guides from the Library- take a peek
5. How the state governs: Democracy v. Authoritarian Systems
6. Tom Ginsburg & Aziz Z. Huq How to Save a Constitutional Democracy Chapter 3 “When democracies collapse”
7. Moustafa, Tamir. 2014. Law and Courts in Authoritarian Regimes. *Annual Review of Law and Social Science* 10(1): 281-99. *Stop at p. 293.*

Reading notes redo: the Moustafa reading.

***College Seminar Assignment 4:***Watch the video on [High School to College](https://www.youtube.com/watch?v=cAQfW5sN_Sg). Read the “Making the Transition from High School to Northwestern” handout (on canvas). Please write up a reflection on the ways in which college is different and/or challenging for you, and complete one active engagement challenge. Wednesday’s class will begin with small group discussions about this assignment.

## PART 2: RULE OF LAW CHALLENGES + MORE ADVANCED CRITICAL THINKING SKILLS

### WEEK 5: FAILURES OF THE ROL: AN EXPERIENTIAL ASSESSMENT

This week’s readings investigate how people experience the law, using very different methods and focusing on different interactions with the law. Please read the college seminar assignment for the week as there is group work that requires some planning.

A. Everyday law in the US & in Authoritarian states:

#### 1. Read: [How to read journal articles](https://learningcenter.unc.edu/tips-and-tools/reading-journal-articles/)and watch this video on [“How to read a scientific article”](https://www.youtube.com/watch?v=t2K6mJkSWoA)

2. Pick one from each category

*Authoritarian States (Li is longer but easier, and it pairs nicely with the Merry reading)*

1. \*Ki Li’s *Marriage Unbound: State Law, Power, and Inequality in Contemporary China (2022).* Chapter 5 Judging Divorce in the Peoples Court p. 152-188
2. Rajah, Jothie. “Punishing Bodies, Securing the Nation: How Rule of Law Can Legitimate the Urbane Authoritarian State.” *Law & Social Inquiry* 36, no. 4 (2011): 945–70. I am only assigning p 959-967. You can read about the caning [here](https://www.washingtonpost.com/archive/politics/1994/05/08/singapore-says-american-18-shook-hands-with-the-man-who-caned-him/e9264866-1220-4da0-8253-bb80c297b119/).

*US*

1. Sally Engle Merry “Rights talk and the experience of law.” From Austin Sarat’s *The Social Organization of the Law* p. 201-213
2. Jerome H. Skolnick “Justice without Trial.” From Austin Sarat’s *The Social Organization of the Law* p. 394-403
3. Patrick Carr, Laura Napolitan & Jessica Keating “We Never Call the Cops and Here is Why: A Qualitative Examination Of Legal Cynicism In Three Philadelphia Neighborhoods” *Criminology* 45(2) 2007. [Unlike the other readings, this is a full scholarly article. It is a good place to practice the [“how to read an article”](https://learningcenter.unc.edu/tips-and-tools/reading-journal-articles/) skills.]

Reading note redo: Skolnick or Carr et al.

B. Reports on your Team Research

Discussion of Blooms Taxonomy. To learn how Bloom’s taxonomy helps to focus your reading, research, and writing see [this explanation](https://learningcenter.unc.edu/tips-and-tools/higher-order-thinking/).

I would like 2 separate reports, with different presenters. You may also choose to all speak. We will hear all of the 1st reports, and then all of the 2nd reports.

*First report:* what you found about the legal system in general. There is no specific format or set of items to cover. I want your impressions based on what you learned.

*Second report:* what you learned about the supreme court (College seminar assignment 5)

You should also begin thinking about your research paper now by looking for some readings focused on problems in the legal system you are studying.

***College Seminar Assignment 5:*** Work together as a team to learn about the constitutional court of your assigned country. Consult the library guide for some readings. Since we will have collectively discussed the US system, the US team should read about how partisanship may or may not be undermining the legitimacy of the US Supreme Court. One of you should focus on the Bush v. Gore ruling (there is a reading on Canvas). Prepare to present to the class 3-5 minutes on the Supreme Court in your assigned country, including assessments of the Court, controversies, and recent decisions of significance.

### WEEK 6: FAILURES OF THE ROL: THE POWER POLITICS OF HOW ROL WORKS

***The short paper is due at the end of this week***

We continue to jump around the world as we think about how the ROL works. This requires higher level thinking about the role of concepts versus facts- an implementation of Blooms Taxonomy. Jack Balkan will talk about “constitutional hardball”—this is playing politics yet within the paradigm of the rule of law. The other readings of the week suggest that autocratic leaders are going further–working to subdue the legal structure to their will, with the goal of sustaining state power.

A. The state subverting law to its will: Law in Democratic contexts

1. Tom Ginsburg & Aziz Z. Huq *How to Save a Constitutional Democracy* Chapter 4 “When Democracies Decay”
2. Jack Balkan “Constitutional Crisis and Constitutional Rot” p. 13-28 in Mark Graber, Sanford Levinson an Mark Tushnet’s *Constitutional Democracy in Crisis?* (Oxford University Press, 2018) (See Course Reserves)
3. Steven Levinksy and Daniel Ziblatt [“How Democracies Die” video](https://www.youtube.com/watch?v=saSVGre7YBo&t=70s) from April 6, 2018.

*Bonus:* For a truly depressing read, historian Timothy Snyder analyzed the insurrection of Jan 6 from an historical perspective. See [*The American Abyss*](https://www.nytimes.com/2021/01/09/magazine/trump-coup.html?referringSource=articleShare)*.*

Reading notes redo: the Balkan reading.

B. The state subverting law to its will: Law in Authoritarian contexts

1. \*Mark Fathi Massoud ‘Authoritarian legal politics and Islamic Law, 1989-2011’ p. 119-154 in Mark Fathi Massoud Law’s Fragile State: Colonial, Authoritarian and Humanitarian Legacies in Sudan (Cambridge University Press, 2013)

***College Seminar Assignment 6:*** Watch the video “[The power of believing that you can”](https://www.ted.com/talks/carol_dweck_the_power_of_believing_that_you_can_improve?language=en) and on “[Mindsets of learning](https://www.youtube.com/watch?v=qEsj8wKlhSU&t=2s).” Write up what you think of your learning mindset is? How do you manage when you don’t meet your expectations for success?

### WEEK 7: FAILURES OF THE ROL: FAILED EFFORTS TO BUILD A ROL

The question raised this week is whether outsiders can do anything to help build a ROL in a country. To ask this question is to also ask where, exactly, does the ROL come from?

A. Democratic decay in the US

1. Tom Ginsburg & Aziz Z. Huq *How to Save a Constitutional Democracy* Chapters 1, 7 & conclusion

B. Where well intended ROL reforms have succeeded and failed

Remember from week 2, when [Carothers](file:////courses/150553/files/11833171%3Fwrap%3D1) wrote about efforts to export the ROL? Now we are reading the perspective of those on the receiving end of these Western interventions.

These concluding chapters of Massoud and Moustafa reflect on what the books reveal about why efforts to build the ROL have not succeeded. Assignments today are available in the library, and as part of an e-book.

*If your last name is A-H, read 1. If your last name is I-Z, read 2.*

1. \*Mark Fathi Massoud “Humanitarian legal politics in an authoritarian state, 2005-2011” p. 181-210 in Mark Fathi Massoud *Law’s Fragile State: Colonial, Authoritarian and Humanitarian Legacies in Sudan* (Cambridge University Press, 2013). (Ebook + in person Main Library Reserves)
2. \*Tamir Moustafa ‘Law, Development, Democracy’ p. 219-238 in *The Struggle for Constitutional Power: Law, Politics and Economic Development in Egypt* (Cambridge University Press, 2007). (Ebook + in person Main Library Reserves)

Reading note redo: Massoud or Moustafa

***College Seminar Assignment 7:*** Submit a 1 paragraph description of your research paper topic, and references to three academic articles. Professor Alter will provide comments, and indicate whether a meeting is recommended.

### WEEK 8: THE ROL IDEAL AS IT INTERACTS WITH REALITY

I will decide when we read and discuss the Lipson reading depending up on how many of you sign up for the early research paper submission and presentation date

These authors explore ideas and the language that goes along with efforts to justify a ROL approach to difficult policy issues. Let's pay extra attention to how the authors cite and draw on the works of others.

A. Reflecting on the ROL project

1. Judith Shklar. 1964. “Law and Ideology” p. 1-28, and “Justice: The Policy of Legalism” p. 113-123 From Judith Shklar. *Legalism: Law, Morals, and Political Trials*. (Harvard University Press). *There is a reading note to help you.* (See Course Reserves)
2. Massoud, Mark.F. Theology of the Rule of Law. *Hague J Rule Law* **11,** 485–491 (2019).
3. Brian Tamanaha. 2017, *A Realistic Theory of Law* (Cambridge University Press) p.194-198.

Reading note redo: Massoud

B. Instrumentalizing the ROL Project + (maybe) Academic Integrity Discussion

1. *Either this week or next:* Lipson, Charles 2004. *Doing Honest Work in College* (How to prepare citations, avoid plagiarism, and achieve real academic success) Chapter 3 & 4.
2. Tamir Moustafa "Liberal Rights versus Islamic Law? The Construction of a Binary in Malaysian Politics" *Law & Society Review*, vol. 47 (2013) 771-802.
3. Y. Wang, China: a Staunch Defender and Builder of the International Rule of Law, 13 Chinese journal of international law (Boulder, Colo.) 635- (2014).

***\*College Seminar Assignment 8:*** Revisit your expectations and your classmate’s expectations for the ROL (Week 1). Are there ideas or aspects of the ROL that you or your classmates got wrong? Why do you think that you or your classmates thought as you did?

### WEEK 9: HOW IMAGINARIES INSPIRE (+ ACADEMIC INTEGRITY & SEEKING HELP)

A. Academic Integrity + What social and political purpose does an ideal (like the ROL) achieve?

Consult the Canvas pages on Academic Integrity, Help Seeking. We will check in with each other on how everything is going, and talk about some of the trickier nuances involved in avoiding plagiarism.

1. Agustín Fuentes *Evolution and the Human Way of Being* Chapters on “How culture works” and “Can we believe”(2019). Fuentes believes in the emancipatory capacity of humans.
2. Jens Meirhenrich “What the Rule of Law is… And is Not”- p. 576-579 only (where he discusses the ROL as a Social Imaginary.) *Cambridge Companion to the Rule of Law:* Chapter 12

B. First group of Research Presentations

Lipson discussion might move here, depending on how many presentations we have.

***College Seminar Assignment 9:*** Review Canvas pages on academic integrity. Pick one topics to address: 1) Do you have any questions or concerns about academic integrity? Do you think that your peers are committed to academic integrity? 2) Define two examples where you asked for help, and one where you did not. Did you find the help you sought? For the last example, why did you not ask for help? Is there anything you would have done differently?

### WEEK 10: THE ROL AND DEMOCRACY IN AMERICA + RESEARCH PRESENTATIONS

A: What is the future of American democracy? Does the instability that a contested election and the chaotic US response to COVID make you think that an authoritarian ROL system, especially one that delivers social improvement, is a better way to go?

1. Ginsburg & Huq *How to Save a Constitutional Democracy* Chapter 5 on Will American Democracy Survive + Conclusion: On Fighting Democratic Erosion
2. Steven Levinsky & Daniel Ziblatt “[The Biggest Threat to Democracy Is the GOP Stealing the Next Election](https://www.theatlantic.com/ideas/archive/2021/07/democracy-could-die-2024/619390/)” in *The Atlantic* July 9, 2021.
3. Hias, Rose and Winograd Brookings Blogpost: [“Protecting democracy and containing autocracy”](https://www.brookings.edu/blog/fixgov/2021/05/10/protecting-democracy-and-containing-autocracy/)
4. \*(skim) Zachary Elkins “Is the Sky Falling? Constitutional Crisis in Historical Perspective” in Mark Graber, Sanford Levinson and Mark Tushnet’s *Constitutional Democracy in Crisis?* (Oxford University Press, 2018) p, 19-66 (See Course Reserves)

B: Research Project Presentations

***College Seminar Assignment 10:***

What are you most proud of this term? Where (if anywhere) were your pre-college expectations most wrong?