

University of Washington
Department of Political Science
Law and Rights in Democratic and Authoritarian Regimes (POLS/JSIS/LSJ 469)
Winter 2020
MW 1:30-3:20pm
116 Loew Hall

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Office hours: TTh 1:00-2:00pm

Course Description

During this quarter, we will compare democratic and authoritarian regimes and consider whether they are convergent or divergent regime types. Both democratic and authoritarian regimes have adopted legal forms, including constitutions, court systems and professional judges and lawyers. Further, authoritarian regimes have established “democratic-looking” institutions like legislatures, which have enacted extensive bodies of law. We will analyze the roles of these institutions in both democratic and authoritarian regimes. We will also consider citizens’ legal consciousness and their participation in real and virtual civil society and social movements in both types of regimes.

Course Requirements

Participation (30%)

Students are expected to read the assigned material before class and to contribute to discussion regularly and thoughtfully. Be prepared to discuss author’s claims and evidence, raise questions, and draw connections to other readings and themes of the course.

Quizzes and short responses (40%)

There will be a total of eight quizzes and short-response questions throughout the quarter. Unexcused late submissions will not be accepted.

Final paper (30%)

The final paper, not to exceed ten, double-spaced pages, will give you an opportunity to explore one of the themes of the course in greater depth and will be based on secondary literature. We will discuss your paper ideas in class throughout the quarter. A one-page draft of your thesis statement and outline is due before class on Wednesday, February 26th via Canvas. The final paper is due on or before 5:00pm, Monday, March 16th, via Canvas. Unexcused late papers will be marked down 0.1 point per day. Deadline extensions are permitted in emergencies or extenuating circumstances with permission of the professor. Also, make sure you are familiar with the norms of academic honesty.

(http://www.polisci.washington.edu/Dept_and_Univ_Policies.pdf)

Course Materials

Materials are available through Canvas or full-text online via UW Libraries E-Journals and E-books. The books, *How Democracies Die* and *Twitter and Tear Gas* are also available at the UW Bookstore.

Additional Course Information

The Department of Political Science recognizes and affirms the University of Washington’s mission to “value and honor diverse experiences and perspectives, strive to create welcoming and respectful learning environments, and promote access, opportunity and justice for all.” We expect every member of this community to contribute toward cultivating an inclusive and respectful culture throughout our classrooms, work environments, and campus events.

If you would like to request academic accommodations due to a disability, please contact Disability Resources for Students, 011 Mary Gates Hall (<http://depts.washington.edu/uwdrs>). If you have a letter

from DRS indicating you have a disability that requires academic accommodations, please present the letter to me so that we can discuss the accommodations you may need for class.

Course Schedule

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

WEEK ONE

1. Monday, January 6, 2020

Introduction

Start reading Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown Books, 2018). E-book, UW Library.

2. Wednesday, January 8, 2020

Democracy and Democratic Backsliding

Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown Books, 2018). E-book, UW Library.

<https://podcasts.apple.com/us/podcast/steven-levitsky-and-daniel-ziblatt-on-how-democracies-die/id1308336168?i=1000428475268>

For further reference:

Juan J. Linz and Alfred Stepan, eds. *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978), Chps. 2 and 3. Canvas.

WEEK TWO

3. Monday, January 13, 2020

Uncertainty and Reversals in Democratization

Students will each be assigned one of the following:

Daniel Ziblatt, "How Did Europe Democratize?" *World Politics* Vol. 58 (January 2006), pp. 311-338.

Stephen Haggard and Robert R. Kaufman, "Inequality and Regime Change: Democratic Transitions and the Stability of Democratic Rule," *American Political Science Review* Vol. 106, No. 3 (August 2012), pp. 495-516.

For further reading:

Daron Acemoglu and James A. Robinson, *Economic Origins of Dictatorship and Democracy* (New York: Cambridge University Press, 2006), Chps. 1 and 2. Canvas.

Eva Bellin, "Contingent Democrats: Industrialists, Labor, and Democratization," *World Politics* Vol. 52, No. 2 (January 2000), pp. 175-205.

4. Wednesday, January 15, 2020

Democracy and Authoritarianism as Regime Types

Christopher Achen and Larry Bartels, "Democracy for Realists: Holding up a Mirror to the Electorate," *Juncture* Vol. 22, No. 4 (2016), pp. 269-275.

Steven Levitsky and Lucan A. Way, "The Rise of Competitive Authoritarianism" *Journal of Democracy* Vol.13, No. 2 (April 2002), pp. 51-64.

For further reading:

Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971).

Jan Teorell et al., "Measuring Polyarchy Across the Globe, 1900–2017," *Studies in Comparative International Development* Vol. 54 (2019) 54, pp. 71–95.

Anna Lührmann and Staffan I. Lindberg, "A Third Wave of Autocratization is Here: What is New About It?" *Democratization* (2019): <https://doi.org/10.1080/13510347.2019.1582029>

Barbara Geddes, "What Do We Know about Democratization after Twenty Years?" *Annual Review of Political Science* Vol. 2 (1999).

Barbara Geddes, Joseph Wright, and Erica Frantz, "Autocratic Breakdown and Regime Transitions: A New Data Set," *Perspectives on Politics* Vol. 12, No. 2 (June 2014), pp. 313-331.

WEEK THREE

5. Monday, January 20, 2020

Martin Luther King Day

6. Wednesday, January 22, 2020

Democratic-looking Institutions

Students will each be assigned one of the following:

Rory Truex, "The Returns of Office in a 'Rubber Stamp' Parliament," *American Political Science Review* Vol. 108, No. 2 (May 2014), pp. 235-251.

Gilens, Martin, and Benjamin Page. 2014. "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens." *Perspectives on Politics* Vol.12, No. 3: 564–81.

For further reading:

Patrick Flavin, "Campaign Finance Laws, Policy Outcomes, and Political Equality in the American States," *Political Research Quarterly* Vol. 68, No. 1 (2015), pp. 77-88.

Jennifer Gandhi and Adam Przeworski, "Authoritarian Institutions and the Survival of Autocrats," *Comparative Political Studies* Vol. 40, No. 11 (November 2007), pp. 1279-1301.

Alexander Gertel-Fernandez, et al. "Legislative Staff and Representation in Congress," *American Political Science Review* Vol. 113, No. 1 (February 2019), pp. 1-18.

WEEK FOUR

7. Monday, January 27, 2020

Democracy and Rights

Charles R. Epp, *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective* (Chicago: University of Chicago Press, 1998), pp. 1-70. Canvas.

8. Wednesday, January 29, 2020

Constitutionalism

Students will each be assigned one of the following:

Aziz Huq and Tom Ginsburg, "How to Lose a Constitutional Democracy," *UCLA Law Review* Vol. 65 (2018), PARTS I and III only. (Check out the podcast: <https://www.uclalawreview.org/> Dialectic Episode 3.7.)

Michael Dowdle, "Popular Constitutionalism and the Constitutional Meaning of Charter 08," Jean-Philippe Beja and Hualing Fu, eds., *Liu Xiaobo, Charter 09, and the Challenges of Political Reform in China* (Hong Kong, University of Hong Kong Press, 2012), pp. 205-228. E-book.

<https://www.theguardian.com/world/audio/2019/feb/04/hungary-populism-and-a-road-trip-with-my-orban-voting-father-podcast>

For further reading:

<https://www.scmp.com/news/china/article/1236973/blow-freedom-campaign-memory-sun-zhigang-10-years>

Orban, My Dad, and Me" <https://www.youtube.com/watch?v=4mLDcENoyog>

Miklós Bánkuti, Gábor Halmai, Kim Lane Scheppele, "Hungary's Illiberal Turn: Disabling the Constitution," *Journal of Democracy*, Volume 23, Number 3, July 2012, pp. 138-146.

Kim Lane Scheppele, "Guardians of the Constitution: Constitutional Court Presidents and the Struggle for the Rule of Law in Post-Soviet Europe," *University of Pennsylvania Law Review* Vol. 154, No. 6 (June 2006), pp. 1757-1851.

WEEK FIVE**9. Monday, February 3, 2020****“Zones of Exception”**

Anthony W. Pereira, “Of Judges and Generals: Security Courts under Authoritarian Regimes in Argentina, Brazil, and Chile,” in Tamir Moustafa and Tom Ginsburg, eds., *Rule by Law: The Politics of Courts in Authoritarian Regimes* (New York: Cambridge University Press, 2008), pp. 23-57. Canvas.

Jonathan Hafetz, *Habeas Corpus after 9/11: Confronting America’s New Global Detention* (New York: NYU Press, 2011), Chp. 2., pp. 31-45. E-book.

For further reading:

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

10. Wednesday, February 5, 2020**Judicial Independence**

Students will each be assigned one of the following:

José J. Toharia, “Judicial Independence in an Authoritarian Regime: The Case of Contemporary Spain,” *Law & Society Review* Vol. 9, No. 3 (Spring 1975), pp. 475-496.

Adam Bonica and Maya Sen, “The Politics of Selecting the Bench from the Bar: The Legal Profession and Partisan Incentives to Introduce Ideology into Judicial Selection,” *Journal of Law and Economics*, Vol. 60, No. 4 (November 2017), pp. 559-595.

WEEK SIX**11. Monday, February 10, 2020****In-class Discussion of Final Papers****Judges and Politics**

Students will each be assigned one of the following:

Gretchen Helmke, “The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy,” *American Political Science Review* Vol. 96, No. 2 (June 2002), pp. 291-303.

Carlos Berdejo and Daniel L. Chen, “Electoral Cycles among US Courts of Appeals Judges,” *Journal of Law and Economics* Vol. 60 (August 2017), pp. 479-496.

12. Wednesday, February 12, 2020**Support Networks: Legal Advocacy**

Austin Sarat and Stuart Scheingold, “The Dynamics of Cause Lawyering: Constraints and Opportunities,” in Sarat and Scheingold, eds., *The Worlds Cause Lawyers Make: Structure and Agency in Legal Practice* (Stanford: Stanford University Press, 2005), pp. 1-14 only. Canvas.

Hualing Fu and Richard Cullen, “Weiquan (Rights Protection) Lawyering in an Authoritarian State: Building a Culture of Public-Interest Lawyering,” *The China Journal* No. 59 (January 2008), pp. 111-127.

<https://www.usagm.gov/2019/06/18/radio-free-asia-wins-murrow-award-for-709-crackdown-video/>

WEEK SEVEN**13. Monday, February 17, 2020****President’s Day**

14. Wednesday, February 19, 2020**Legal Consciousness**

Michael W. McCann, *Rights at Work* (Chicago, University of Chicago Press, 1994), excerpts.

Susan H. Whiting, "Authoritarian 'Rule of Law' and Regime Legitimacy," *Comparative Political Studies* Vol. 50, No. 14 (2017), pp. 1907-1940.

For further reading:

Mary E. Gallagher, "Mobilizing the Law in China: 'Informed Disenchantment' and the Development of Legal Consciousness," *Law & Society Review* Vol. 40, No. 4 (2006), pp. 783-816.

WEEK EIGHT**15. Monday, February 24, 2020****Contentious Politics and Social Movements**

Sidney Tarrow and Charles Tilly, "Contentious Politics and Social Movements," in Carles Boix and Susan C. Stokes, eds., *Oxford Handbook of Comparative Politics* (New York: Oxford University Press, 2009), E-book.

Students will each be assigned one of the following:

Rachel Meyer, "Precarious Workers and Collective Efficacy," *Critical Sociology* Vol. 43, No 7-8 (2017), pp. 1125-1141.

Eli Friedman, "Alienated Politics: Labour Insurgency and the Paternalistic State in China," *Development and Change* Vol. 45, No. 5 (2014), pp. 1001-1018.

For further reading:

Jamie Peck, "The Right to Work, and the Right at Work," *Economic Geography* Vol. 92, No. 1 (2016), pp. 4-30.

Susan Christopherson, "Commentary on 'The Right to Work and the Right at Work'," *Economic Geography* Vol. 92, No. 1 (2016), pp. 31-34.

Ching Kwan Lee, *Against the Law: Labor Protests in China's Rustbelt and Sunbelt* (Berkeley: University of California Press, 2007).

16. Wednesday, February 26, 2020**1-page draft of thesis statement and outline due****Civil Society**

Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), excerpt. Canvas.

Students will each be assigned one of the following:

Robert Putnam, "Bowling Alone: America's Declining Social Capital," *Journal of Democracy* Vol. 6 (January 1995), pp. 65-78.

Sheri Berman, "Civil Society and the Collapse of the Weimar Republic," *World Politics* Vol. 49, No. 3 (April 1997), pp. 401-429.

WEEK NINE**17. Monday, March 2, 2020****Internet Society, I**

W. Lance Bennett and Alexandra Segerberg, "The Logic of Connective Action," *Information, Communication & Society* Vol. 15, No. 5 (2012), pp. 739-768.

Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (New Haven: Yale University Press, 2017), Part One.

18. Wednesday, March 4, 2020**Internet Society, II**

Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (New Haven: Yale University Press, 2017), Parts Two and Three.

Mark R. Beissinger, "'Conventional' and 'Virtual' Civil Societies in Autocratic Regimes," *Comparative Politics* Vol. 49, No. 3 (April 2017), pp. 351-371.

WEEK TEN**19. Monday, March 9, 2020****Censorship**

Yuyu Chen and David Y. Yang, "1984 or Brave New World? Evidence from a Field Experiment on Media Censorship," *American Economic Review*.

For further reading:

W. Lance Bennett, Regina G. Lawrence, and Steven Livingston, "None Dare Call It Torture: Indexing and the Limits of Press Independence in the Abu Ghraib Scandal," *Journal of Communication* Vol. 56 (2006), pp. 467-485.

Gary King, Jennifer Pan, Margaret E. Roberts, "How Censorship in China Allows Government Criticism but Silences Collective Expression," *American Political Science Review* Vol. No. (May 2013), pp. 1-18.

20. Wednesday, March 11, 2020**Fake News**

Jieun Shin, Lian Jian, Kevin Driscoll, Francois Bar, "The Diffusion of Misinformation on Social Media: Temporal Pattern, Message, and Source," *Computers in Human Behavior* Vol. 83 (2018), pp. 278-287.

Gary King, Jennifer Pan, Margaret E. Roberts, "How the Chinese Government Fabricates Social Media Posts for Strategic Distraction, Not Engaged Argument," *American Political Science Review* Vol. 111 No. 3 (2017), pp. 1-18.

FINAL PAPER DUE

On or before 5:00pm, Monday, March 16, 2020, via Canvas.