**DOPP5323 Rule of Law: A Public Administration and Human Rights Perspective**

**Syllabus 2023/24 Winter term**

**Course level MA**

**2 credits/4 ECTS**

**Course type: Mandatory**

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# Course Description

*Rule of Law: A Public Administration and Human Rights Perspective*, examines the interconnectedness of public administration, the rule of law, and human rights principles. Throughout this 12-week course, we will examine the distinct yet interdependent roles of the executive, legislative, and judicial branches of government in maintaining the rule of law. We also consider the contributions of media, academia, civil society, and National Human Rights Institutions (NHRIs) in sustaining robust, rights-respecting, open and democratic societies.

Designed for DPP MPA students, this course places special emphasis on the role of public administrators in promoting transparency, accountability, equality, non-discrimination, and accessibility in law-making, particularly within a human rights framework.

In addition to theoretical learning, including critical theories, the course encourages students to think about practical application through a Rule of Law assignment. Examining a current rule of law issue in a country of their choice, with a public administration perspective in mind, this assignment enables students to investigate and analyze the practical application of the rule of law in a selected country, examining a range of factors, from government functions and emergency law-making practices to the roles of civil society and the media. This holistic approach aims to equip students with a comprehensive understanding of the real-world complexities and challenges associated with promoting and upholding the rule of law within the sphere of public administration.

## Learning Objectives

By the end of this course, students should be able to

1. understand the foundational principles of the rule of law, and to appreciate its significance and interplay with public administration and human rights.
2. identify the roles of the executive, legislative, and judicial branches of government, and other key stakeholders including the media, academia, and civil society, in upholding the rule of law.
3. understand the importance of transparency, accountability, equality, non-discrimination, and accessibility in law-making and public administration practices.
4. apply theoretical knowledge to a real-world context through the Rule of Law assignment, gaining insights into the practical challenges associated with maintaining the rule of law.
5. critically evaluate and propose improvements to current law-making and public administration practices from a human rights perspective.
6. develop skills that promote effective communication, collaboration, and analytical thinking.

## Approach

This course combines short in-class lectures with an interactive, hands-on methodology to enhance students’ understanding of the rule of law, and the relationship between the rule of law, public administration, and human rights. Students are expected to actively participate\* in class, building on pre-class readings, class discussions, and in-class exercises to encourage critical thinking.

We will use comparative perspectives, case studies and real-world examples throughout the course.

*\*please see participation policy below.*

# Course Assessment, Policies and Grading

## Assessment Components

\*\*Please note: Detailed assignment requirements are provided in the Guidance Notes on Moodle\*\*

The assignment for this course is a well-researched analysis of a current rule of law event from a public administration perspective, which you will present during in the final week and submit at the end of Term, along with a log of your research process. You have the freedom to choose any current (2023/24) event in one country of interest to you.

This assignment aims to support your ability to apply the knowledge you gain throughout the course, and develop valuable skills in research, critical thinking, and written communication.

It is recommended that you work on a small part of the analysis each week, including the research log. The research log, which should be based on the template provided on Moodle, is a compulsory part of the final submission. It shows your thought process and how you went about your research. Your final analysis paper must be well sourced, a minimum of 15 separate, high-quality sources is expected.

A suggested timeline for managing the workload of the assignment is provided in the Guidance Notes.

**Important Notes:**

* A passing grade (C+) is required for each component of the course (submission of topic selection and rationale, as well as grades in the Presentation, the rule of law analysis, and the research log) in order to pass the course.
* Credit for the course is earned with a grade of C+ or higher, and a grade of F means the student does not receive credit.

**The course assessment comprises the following components:**

1. **Topic selection and rationale - (required, ungraded) 300 words, week 4**
	* Submit a short note (300 words approx.) providing a brief overview of the event you’ve chosen, its relevance to the rule of law, the public administration angle, and what you aim to explore in your analysis paper. In addition, you should identify potential complexities, tensions, or contradictions related to your topic.
	* Although ungraded, this is a course requirement to enable feedback on your chosen topic at an early stage. It is a pre-requisite for the final paper and presentation components.
2. **Presentation - (20% of the course grade) 5 minutes, week 12**
	* By week 12, you should have completed a draft of your analysis paper, this forms the basis of your presentation.
	* We will discuss the best way to approach the presentations early in the term – whether we should use panel discussions, poster presentations, ‘lightning talks’ or another format, depending on the preferences of the group.
3. **Rule of Law Analysis & Research Log - (80%** (65% & 15%%) **of the course grade)**
	* At the end of term (date will be announced at the start of term) you should submit your **final rule of law analysis** (1,500 words, 65% of the course grade). See the Guidance Note for details.
	* As part of the final submission, you must also submit an accompanying **research log** (15% of the course grade). See the Guidance Note for details.

**OPTIONAL** Alternative Grading

I recognize that we all learn and study differently. If you would prefer to have your workload and grading more spread out throughout the course, I can offer more staggered grading as follows:

* + Topic selection, rationale and report outline - (20%) 500 words, week 5
	+ Presentation - (20%) 5 minutes, week 12
	+ Analysis and Research Log - (60%) 1,800 words (48%), end of Term, including research log (12%).

If you prefer to have this alternative grading option, you must tell me – either in person or in writing – before the end of the second class of the course (week 2). Changes cannot be made subsequently.

The grading scheme for the assessments are provided in the Guidance Notes. Examinations and coursework are graded in accordance with the University Grading Scheme (Student Rights, Rules, and Academic Regulations (2022), Annex 2) and the University Grading Rubric (Student Regulations, Annex 3).

## Feedback and Advice on Assessments

You are encouraged, and welcome, to seek feedback on the progress of your rule of law analysis. In particular, you might wish to consider sending me your draft around weeks 8/9 to get feedback before completion and submission.

I understand that people have different learning styles. If you would like more feedback than the current approach requires, I am happy to provide interim reviews and feedback on your progress. In any event, we'll have regular check-ins and opportunities for constructive feedback in class during the course to ensure you're on track and not feeling overwhelmed.

Please note however that while you are always welcome to reach out about the assignment, because this is a graded assignment, I cannot give detailed feedback on full/final versions prior to submission.

## Workload

Per CEU policy, the total student workload (for in-class and out of class work combined) is estimated to be approximately 30 hours per ECTS credit. This is a 4 ECTS course, therefore total student workload both in and outside of class would be expected at 110-120 hours over the Term. Readings and the assignments have been prepared with this in mind. If you are struggling with the workload, please reach out.

For guidance purposes, the workload/hours are spread across the different components of the course as follows, I’ve included a suggested weekly breakdown below:

* Class time (in class): 21 hours (1.7 hours (100 mins) per week)
* Seminar preparation (readings): 36 hours (3 hours per week)
* Class input/presentation: 10 hours (in weeks 4, 11-12 primarily)
* Assignments: 50 hours (3 hours per week + 15 hours in weeks 13&14 (after classes finish).

Total = ~117 hours.

## Communications

You are welcome to email me at any time of the day and week that suits your schedule, but please be aware that I only check and respond to emails during working hours and during the working week (i.e., Monday-Friday). I will try to respond to all student emails within 24 hours within these parameters. If you haven’t heard back within 2 working days, please feel free to try again in case I’ve overlooked your email.

## Policy on plagiarism and Academic Honesty

Please make sure you have read and understand the ‘Academic Dishonesty’ part of the Student Handbook, the CEU Policy on Plagiarism and accompanying guidelines and the CEU Code of Ethics. Plagiarism is extremely serious academic misconduct. If you have any questions or concerns, please just ask! You can also reach out to the Academic Writing Centre for support.

Turnitin software is used to verify the originality of all submitted material.

Please be aware that I have a zero-tolerance policy for academic dishonesty and will pass any suspected cases to the Departmental integrity committee.

## Policy on attendance and lateness

I understand everyone leads a busy life, and that CEU workloads can be heavy, but for the benefit of the whole group, it is important that you engage fully in this course. This includes going through the readings assigned before each class, joining each session, and participating actively in the discussions. Each of your voices adds value to our collective learning experience.

If there are any challenges impacting your ability to attend/be on time, please reach out and get in touch with me. Both myself as the instructor, and the Department are here to support you and help find solutions.

Attendance at all classes is required per CEU and DPP policy. A make-up assignment may be required for any missed classes (apart from absence for medical or other extenuating reasons) and will be based on the work done in the missed class.

Out of respect for the instructor and your classmates, please come on time.

Please read the section of the Student Handbook on Attendance so that you are aware of the Department’s policy, including unauthorized absences from class.

Phone use is not permitted during class. If you have any concerns about this policy, please come to see me at the start of term.

## Participation Policy

This course is designed to be a collective learning experience, and your active participation is a valuable part of this process. However, I understand that individual circumstances can sometimes make it challenging to participate in the way I might typically expect. If you are facing such challenges, I encourage you to communicate with me as early as possible – preferably before the course starts - so that we can work together to find a solution that supports your learning.

If you find it challenging to participate during class time, we can discuss alternative ways for you to contribute to the learning environment, such as writing reflective notes on the readings, or sharing thoughts and questions via email or office hours.

Please note that the ultimate goal is your learning in this course. I am here to facilitate that, and appreciate your unique perspectives and contributions. Let's keep the lines of communication open to ensure your success in this course.

## AI Policy

AI tools can be used to assist in understanding course material, brainstorming ideas, and identifying source material. Literature searching tools can help find relevant articles, books, and other resources.

A goal of this course is to enhance your understanding, critical thinking skills, and develop your own voice on the topics we cover. The use of AI tools should always support, not supplant, your learning.

You may use AI tools to practice problem-solving, to get a different perspective on a topic, locate materials or to assist with language translation. We will discuss the usefulness and limitations of some of some of the available tools during the course.

Prohibited Uses: Maintaining academic integrity in your work is essential. Any assignment submitted for a grade must be your own original work, in line with CEU's Policy on Student Plagiarism and the Student Handbook. AI tools may not be used to generate your responses or write some or all of your assignments. Text may not be copy-pasted from an AI tool (such as ChatGPT) into an assignment and presented as your own work. Automated paraphrasing by AI for graded assignments is also prohibited. Presentation of AI generated text as your own work will result in a failing grade on the assignment.

If you incorporate ideas generated by an AI tool into your work, it must be properly cited (quotation marks + reference), just as you would cite any other source. Failing to do so may constitute plagiarism.

Caution in Use: While AI can be helpful, it does not replace critical thinking, original ideas, or deep understanding. Be aware that AI tools, including LLMs, such as ChatGPT, have limitations. They do not understand content in the way humans do and can sometimes generate misleading, inaccurate, and/or incorrect information, including generating false references. Many do not have access to current information (e.g., ChatGPT 3.5/4 currently has a cut-off of 2021). Always double-check any information obtained through these tools.

Please be aware that failing to adhere to these guidelines can result in academic penalties including, but not limited to, receiving a fail grade on an assignment, failing the course, or even facing disciplinary action by the University.

Please also note that these guidelines may be amended given the rapid pace at which AI capabilities are changing, or if a new Departmental/University policy on AI usage is adopted. You will be notified if this occurs during the Term.

If you have any questions on what constitutes appropriate/fair use of AI tools, please reach out to me at any time so we can discuss.

## Office hours

**Wednesdays, [TBC]**

Students are free to email me with any questions or issues or to arrange a meeting at any point before and during the course.

## Recording of lectures

Please be aware that recording of all or part of any class is not permitted without express agreement from all present. Please refer to the Student Handbook for the DPP policy on recording of lectures.

# Course Contents

**Suggested background reading/resources**

**\*check Moodle for additions\***

* Useful European Council compiled reading list (2019): <https://www.consilium.europa.eu/media/41194/reading-list-rule-of-law-20191023.pdf>
* Resource on regional organisations and the rule of law: <https://www.idea.int/sites/default/files/publications/rule-of-law-and-constitution-building.pdf>
* Anthony Michael Bertelli, [Democracy Administered](https://www.cambridge.org/core/books/democracy-administered/A8B4DD312927A26D36D0D35A9E58BBD0): How Public Administration Shapes Representative Government, Cambridge University Press (2021).

# Week 1: Introduction - Rule of Law, Public Administration, and Human Rights

 \*\*Check Moodle for the most up to date contents and readings\*\*

This week, we will discuss the foundational principles of the rule of law, and how they align with the principles of public administration, and human rights. The goal is to understand their interconnectedness and their importance in shaping democratic societies. The discussion will touch upon the United Nations' definition of the rule of law, emphasizing its significance for public administrators, and identify competing definitions of the rule of law.

We will also discuss the syllabus and expectations for the course.

I will introduce the graded components, particularly the analysis report, its purpose and including expectations, and we will discuss country selection. Before class, please think about a current (2023/24) topic and country you might be interested in focusing on – it can be your own country, or one of particular interest to you. To make the assignment and final presentation class as dynamic as possible, each topic/country can only be covered by one student (no duplication), so you may need to work on a topic/country other than your first preference. We will discuss how to manage this, in class.

**Pre-Class Reading:**

* Course syllabus (policies in particular) and Guidance Notes.
* Summary of the rights contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Council of Europe (Compass Manual on Human Rights Education)
* Jeremy Waldron, *The Rule of Law and The Importance of Procedure*, Nomos 50(2011), pp.3-31 <https://www.jstor.org/stable/24220105>
* OECD, [Constitutions in OECD Countries: A Comparative Study : Background Report in the Context of Chile’s Constitutional Process](https://doi.org/10.1787/ccb3ca1b-en) (2022) **Section on *Constitutions*** [LINK](https://read.oecd-ilibrary.org/governance/constitutions-in-oecd-countries-a-comparative-study_c6d86230-en#page6)

**Additional Reading/Resources**

[see Moodle]

# Week 2: The Role of Executive Branch and Public Administration in Democratic Policymaking

\*\*Check Moodle for the most up to date contents and readings\*\*

Week two examines the core responsibilities of the executive branch and public administration in democratic policymaking. We will explore the connection between the executive branch and the principles of the rule of law, to understand how public administration plays a role in upholding these principles. The session will also outline the ways in which the executive branch impacts the rule of law (positively and negatively), which is a particularly important aspect for the Rule of Law analysis paper.

**Reading:**

* OECD, [Constitutions in OECD Countries: A Comparative Study : Background Report in the Context of Chile’s Constitutional Process](https://doi.org/10.1787/ccb3ca1b-en) (2022) Section: ***System of Government*** [LINK](https://read.oecd-ilibrary.org/governance/constitutions-in-oecd-countries-a-comparative-study_025c3909-en#page7)
* Bernardo Zacka, Political Theory Rediscovers Public Administration, *Annual Review of Political Science* (2022) <https://www.annualreviews.org/doi/pdf/10.1146/annurev-polisci-051120-125131>

**Suggested additional reading:**

* A Bertelli & L. Schwartz, *Public Administration and Democracy: The Complementarity Principle*, (Elements in Public and Nonprofit Administration). Cambridge: Cambridge University Press(2023). [LINK](https://www.cambridge.org/core/elements/public-administration-and-democracy/1C4DC866077A6374CF0CE800638030B5)

**Additional Reading/Resources:**

[see Moodle]

* Willam G. Resh and Haram Lee Zook, “Public Administration as a Function of Executive and Legislative Power,” In Handbook of American Public Administration, ed. H. George Frederickson and Edmund Stazyk. Edward Elgar, 2018. [LINK](https://deliverypdf.ssrn.com/delivery.php?ID=192119095117089122124081127081068027037049067002004033093113121127110090093080094073055124012115006097026113090083066116019096018034038013029070064021029123125009080032014003066094006079114107007030120073010106120092124078072113110072004114083086082029&EXT=pdf&INDEX=TRUE)
* [Martin S. Flaherty](https://www.jstor.org/action/doBasicSearch?Query=au%3A%22Martin%20S.%20Flaherty%22), The Most Dangerous Branch, [The Yale Law Journal](https://www.jstor.org/journal/yalelawj), Vol. 105, No. 7 (May, 1996), pp. 1725-1839 (115 pages) <https://doi.org/10.2307/797234>• <https://www.jstor.org/stable/797234>
* Pedro Luiz Costa Cavalcante & Alexandre de Ávila Gomide, How does the governance of the executive branch operate in democratic Brazil? An analysis of the Center of Government, DOI 10.1590/1678-987320287503

# Week 3: International Human Rights and the Rule of Law

\*\*Check Moodle for the most up to date contents and readings\*\*

This week, we will focus on the interaction between the rule of law and international human rights norms. We will look at key international human rights treaties and institutions, consider examples where international human rights norms have influenced national rule of law, as well as discussing the mechanisms through which international human rights law is enforced.

**Reading:**

* OHCHR, Good Governance Practices and the Protection of Human Rights, (2007) \*\*Part III, pp. 45-59 <https://www.ohchr.org/sites/default/files/Documents/Publications/GoodGovernance.pdf>
* OECD, [Constitutions in OECD Countries: A Comparative Study : Background Report in the Context of Chile’s Constitutional Process](https://doi.org/10.1787/ccb3ca1b-en) Economic, Social, cultural and new rights (2022) [LINK](https://read.oecd-ilibrary.org/governance/constitutions-in-oecd-countries-a-comparative-study_a7c0c402-en#page1)

**Additional Reading/Resources**

[see Moodle]

# Week 4: The Legislative Process and the Role of Parliament in Upholding the Rule of Law

\*\*Check Moodle for the most up to date contents and readings\*\*

This week, we will explore the legislative process and the role of parliament in upholding the rule of law. Students will understand the dynamics of democratic law-making, the critical functions of a parliament, and how legislative powers are exercised. The session will also examine how the actions and responsibilities of parliaments impact the rule of law by providing a constraint on government powers.

**Reading**

* Oireachtas (Irish Parliament), ‘How Laws Are Made’ <https://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/how-laws-are-made/>
* TRS Allan, 'The Rule of Law and Parliamentary Sovereignty', in Constitutional Justice: A Liberal Theory of the Rule of Law (Oxford, 2003; Oxford Academic, 1 Jan. 2010), [https://doi.org/10.1093/acprof:oso/9780199267880.003.0007](https://doi.org/10.1093/acprof%3Aoso/9780199267880.003.0007),
* Agora Portal, The Parliamentary Oversight Function, <https://www.agora-parl.org/resources/aoe/parliamentary-function-oversight>

**Additional Reading/Resources**

[see Moodle]

* Kirsten Roberts Lyer (2019) Parliaments as Human Rights Actors: The Potential for International Principles on Parliamentary Human Rights Committees, Nordic Journal of Human Rights, 37:3, 195-215, DOI: [10.1080/18918131.2019.1681610](https://doi.org/10.1080/18918131.2019.1681610)

# Week 5: The Role of the Judiciary in Upholding the Rule of Law

\*\*Check Moodle for the most up to date contents and readings\*\*

This week, we explore the crucial role of the judiciary in preserving the rule of law. Our focus will be on the power of judicial review, the importance of an independent judiciary, and the judiciary's function in protecting human rights. We will also discuss the impact of judicial decisions on public administration.

**Reading**

* Calliope Spanou, Judicial Controls Over the Bureaucracy, Oxford Research Encyclopedias (2020) <https://doi.org/10.1093/acrefore/9780190228637.013.1729>
* Eduardo Jordão & Susan Rose-Ackerman, ‘Judicial Review Of Executive Policymaking In Advanced Democracies: Beyond Rights Review’, 66 *Administrative Law Review* 2014 [LINK](https://bibliotecadigital.fgv.br/dspace/bitstream/handle/10438/19125/Judicial_review_of_executive_policymakin.pdf?sequence=1&isAllowed=y)

**Additional Reading/Resources**

[see Moodle]

* J. Waldron, The rule of law and the role of courts, 10(1), *Global Constitutionalism* 2021 91-105. doi:10.1017/S2045381720000283

# Week 6: Emergencies, Rule of Law, and Public Administration

\*\*Check Moodle for the most up to date contents and readings\*\*

This week addresses one of the most challenging contexts for the rule of law and public administration - emergencies. We will discuss how public administrations operate during times of emergency and the special considerations for upholding the rule of law. We will explore how the principles of necessity and proportionality apply during crises.

**Reading**

* European Commission for Democracy Through Law (Venice Commission), *Report: Respect for Democracy, Human Rights and the Rule of Law During States of Emergency: Reflections*, 19 June 2020 CDL-AD(2020)014 [LINK](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)014-e)
* F Bastos & A De Ruijter (2019). Break or Bend in Case of Emergency?: Rule of Law and State of Emergency in European Public Health Administration. European Journal of Risk Regulation, 10(4), 610-634 <https://doi.org/10.1017/err.2019.71>

**Additional Reading/Resources**

[see Moodle]

* Evan J. Criddle & Evan Fox-Decent, *Human Rights, Emergencies, and the Rule of Law* Human Rights Quarterly 34 (2012) 39–87 <https://www.corteidh.or.cr/tablas/r28084.pdf>

# Week 7: The role of the Media, Academia, NHRIs and Civil Society in Upholding the Rule of Law

\*\*Check Moodle for the most up to date contents and readings\*\*

This week, we consider the roles that other state actors, namely, the media, academia, NHRIs and civil society play in promoting and safeguarding the rule of law. We will explore how these entities shape public opinion, influence policy decisions, and hold the government and public administrators accountable. By studying their roles, we aim to better understand the broader societal context in which rule of law operates, and the requirements of open government.

Note – while there are many readings listed below, most are short.

* Bresser-Pereira, Luiz Carlos, 'Executive and Regulatory Agencies', *Democracy and Public Management Reform: Building the Republican State* (Oxford, 2004; online edn, Oxford Academic, 16 Nov. 2004), <https://doi.org/10.1093/0199261180.003.0018>,
* [Media] Joint Declaration on Media Freedom and Democracy,<https://www.ohchr.org/sites/default/files/documents/issues/expression/activities/2023-JD-Media-Freedom-and-Democracy.pdf>
* [NHRIs] Council of Europe, Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions (31 March 2021) <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a1f4da>
* [Civil Society] EU Agency for Fundamental Rights, Europe’s Civil Society: Still Under Pressure ― Update 2022, **pp. 7-16** <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-protecting-civic-space_en.pdf>
* [Academia] Scholars at Risk Europe: Submission to the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) own-initiative report on the Commission’s 2020 Rule of law report, 23 March 2021 <https://sareurope.eu/wp-content/uploads/2022/04/SAR-Europe-Rule-of-Law-submission-to-EP.pdf>

**Additional Reading/Resources**

[see Moodle]

* Roberts Lyer, K., Saliba, I., & Spannagel, J. (2022). University Autonomy Decline: Causes, Responses, and Implications for Academic Freedom (1st ed.). Routledge. <https://doi.org/10.4324/9781003306481> [LINK](https://www.taylorfrancis.com/books/oa-edit/10.4324/9781003306481/university-autonomy-decline-kirsten-roberts-lyer-ilyas-saliba-janika-spannagel?refId=a97f0b5c-d42f-4ca5-883a-f75df8cdb2f8&context=ubx)

# Week 8: Equality, Non-Discrimination, and the Rule of Law

\*\*Check Moodle for the most up to date contents and readings\*\*

Week 8 examines the principles of equality and non-discrimination, which are fundamental to the rule of law. We will consider how these principles are integrated into legislation and public administration, examining their impact on policy outcomes.

**Reading**

* OHCHR, *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers,* Chapter 13 The Right to Equality and Non-Discrimination [LINK](https://www.ohchr.org/sites/default/files/Documents/Publications/training9chapter13en.pdf)

**Additional Reading/Resources**

[see Moodle]

* EU Agency for Fundamental Rights, Handbook on European non-discrimination law – 2018 edition [LINK](https://fra.europa.eu/en/publication/2018/handbook-european-non-discrimination-law-2018-edition)
* Tina Kempin Reuter (2019) Human rights and the city: Including marginalized communities in urban development and smart cities, *Journal of Human Rights*, 18:4, 382-402, DOI: 10.1080/14754835.2019.1629887
* MUIR, Elise, DE WITTE, Bruno, *The procedural and institutional dimension of EU anti-discrimination law*, in Lucia Serena ROSSI and Federico CASOLARI (eds), The principle of equality in EU law, Cham : Springer International Publishing : Imprint: Springer, 2017, pp. 133-149   - <https://hdl.handle.net/1814/49988>.

# Week 9: The Rule of Law and its Influence on the Public Administration

\*\*Check Moodle for the most up to date contents and readings\*\*

This week, we will discuss how the rule of law impacts public administration.

**Reading**

* Laurence E. Lynn, Jr., *Restoring the Rule of Law to Public Administration: What Frank Goodnow Got Right and Leonard White Didn't,* Public Administration Review, Vol. 69, No. 5 (Sep. - Oct., 2009), pp. 803-812 (10 pages)
* Simon, C. A., & Moltz, M. C. (2022). Confidence in Merit-Based Public Administration in the Context of Right-Wing Authoritarian Populism. *Administration & Society*, 54(6), 995–1018. <https://doi.org/10.1177/00953997211045609>

**Additional Reading/Resources**

[see Moodle]

* Cohen, N. (2022). Public administration reform and political will in cases of political instability: Insights from the Israeli experience. *Public Policy and Administration*. <https://doi.org/10.1177/09520767221076059>

# ****Week 10: Evaluating the Rule of Law****

\*\*Check Moodle for the most up to date contents and readings\*\*

In this class, we will examine the complex task of evaluating the rule of law. To fully understand and assess the rule of law in a given country, we need to consider various aspects of governance, justice, and human rights. This class examines efforts to evaluate and compare the rule of law across different countries and contexts.

**Reading**

* Tom Ginsburg, Pitfalls of Measuring the Rule of Law, *Hague Journal on the Rule of Law*, 3 : 269–280, 2011
* Pim Albers, How to measure the rule of law: a comparison of three studies, CEPEJ Council of Europe <https://rm.coe.int/how-to-measure-the-rule-of-law-a-comparison-of-three-studies-dr-pim-al/16807907b2>
* Venice Commission, Rule of Law Checklist, Introduction <https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf>
* World Justice Project, Rule of Law Index “about” <https://worldjusticeproject.org/rule-of-law-index/about> Particularly look at the sections on what they measure and how.

**Additional Reading/Resources**

[see Moodle]

# Week 11: Critical Theories on the Rule of Law

\*\*Check Moodle for the most up to date contents and readings\*\*

The aim of this week’s class is to expose students to a range of critical theories that provide alternative perspectives on the rule of law. Students will develop an understanding of how power dynamics, social structures, and historical contexts influence the rule of law. This will include feminist theories, postcolonial theories, and applying critical theories to policy analysis and development.

**Reading**

* Munro, V. (2021). Feminist Critiques of the Rule of Law. In J. Meierhenrich & M. Loughlin (Eds.), The Cambridge Companion to the Rule of Law (Cambridge Companions to Law, pp. 340-356). Cambridge: Cambridge University Press. doi:10.1017/9781108600569.020
* Bridges, K. (2021). Critical Race Theory and the Rule of Law. In J. Meierhenrich & M. Loughlin (Eds.), The Cambridge Companion to the Rule of Law (Cambridge Companions to Law, pp. 357-374). Cambridge: Cambridge University Press. doi:10.1017/9781108600569.021

**Additional Reading/Resources**

[see Moodle]

* Cejie, Katia. "Rule of Law: a Fundamental Concept Without a Coherent Meaning", *European Journal of Comparative Law and Governance* 9, 3 (2022): 287-320, doi: <https://doi.org/10.1163/22134514-bja10036>

# Week 12: Rule of Law Presentations

\*\*Check Moodle for the most up to date contents and requirements\*\*

This final week is devoted to presenting your findings on the topic that you have been working on for your assignment throughout the course. Each student will have an opportunity to share their topic, explain their methodology, and discuss their findings.

The class will engage in a peer review process, providing constructive feedback and discussing the implications of each student’s findings on the rule of law, public administration, and human rights. This session will allow students to gain insights from one another's work, to enhance their understanding of how the rule of law is applied and measured in different contexts.

In preparation for this week, students should:

* Have completed a draft of their report (it is not required to submit this for the class).
* Prepare a presentation to explain their topic, including their methodology and key findings. (depending on chosen format, discussed with the group earlier in the Term).
* Come prepared to ask questions and provide constructive feedback during the peer review process.

In class, we will also do a reflection exercise on your research and work on your paper.

Finally, time permitting, we will also reflect on the themes discussed during the course and consider how these have informed their understanding of the rule of law, public administration, and human rights.

# Guidance Notes

[See Moodle]

## Grading Rubric

[See Moodle]