

Lectures: 1:10-2:00PM on Mon/Wed/Fri in 106 Stanley Hall

Professor Richard Perry; Email: rwperry@law.berkeley.edu (Email is the best mode of contact)

Office hours: Mon/Wed/ Fri 12:10-1:00PM in 337E Boalt Hall N. Addition – ALSO on MOST of our LS 170 M-W-F class days we can meet just after our class in “Yali’s Café” in Stanley Hall; please email me the day before any appointment so that I do not have too many people coming to the same place at the same time (as often happens before tests).

GSI: Tobias Smith; Email: <tobiasjsmithgsi@gmail.com>; Office hours Thurs 12:30-2:00 @ Café Zeb on Bancroft Side of Law School

GSI: Casey Hultin; Email <casey.hultin@gmail.com>; Office hours Tuesdays & Wednesdays 2:00-3:00 in Café Zeb.

Note: This updated syllabus posted on bSpace after the 2nd week reflects the specific details of GSI office hours and locations; the final, firmed-up dates of the four planned Guest Lecturers are still slightly in flux.

Course Description:

This course introduces the classical scholarly frameworks for thinking about crime and criminal justice, and traces the evolution of these earlier conceptions into today’s debates. It examines the scope and nature of crime in the United States from a comparative and interdisciplinary perspective, focusing on the uses and limits of the criminal justice system. The course will introduce concepts of criminal process and the main elements of the criminal justice system, including police, courts, and corrections. It will consider the main institutional features, problems, and critiques of the processes through which suspects are apprehended, tried, sentenced, and punished. Past and current trends and policy questions will be discussed.

Since U.C. Berkeley is now, and has long been, one of the world’s leading centers for the study of law and society, the work of both past and current Berkeley scholars will be highlighted in particular. Related topics touched upon will include the massive expansion of the U.S. prison system in recent years and its relation to crime rates, critical analyses of different theories of the causes of crime, strategies for preventing and controlling crime, the death penalty, gun control, white collar crime, and crime in family settings. Please see the list of related LS courses below:

List of Related LS Courses:

Legal Studies 102: Policing and Society

Legal Studies 104AC: Youth, Justice, and Culture

Legal Studies 105: Theoretical Foundations of Criminal Law

Legal Studies 107: Theories of Justice

Legal Studies 109: Aims and Limits of the Criminal Law

Legal Studies 120: Conceptions of Punishment: Ancient and Modern

Legal Studies 132AC: Immigration and Citizenship
Legal Studies 151: Law, Self, and Society
Legal Studies 154: International Human Rights
Legal Studies 160: Punishment, Culture, and Society
Legal Studies 162AC: Restorative Justice
Legal Studies 163: Adolescence, Crime, and Juvenile Justice

Topical and Thematic Structure of this Fall 2013 Course Offering:

This course is organized into three main parts:

Weeks 1-4

Criminal Justice: theories and the processes of CRIMINAL adjudication. The first part introduces the major classical frameworks for thinking about crime in the West since the 17th century foundations of the modern state. It examines central texts and thinkers, and surveys key concepts and debates. It discusses the emergence and major shifts in core institutions of criminal justice -- courts, policing, corrections -- and the socio-political implications of these developments.

Weeks 5-12

Criminal justice theories and processes: modes of state control of the spaces of social life. Building upon an historical foundation, the second part of the course goes on to examine core concepts, cases, and doctrines of Anglo-American criminal process in a critical law & society fashion. It considers these concepts from an interdisciplinary and comparative perspective.

Weeks 13-15

The third and final part of the course will focus on leading recent developments in criminal law and justice policy, in the shifting empirical facts of crime and criminal justice in the U.S. and elsewhere, and will consider new contemporary theoretical frameworks for understanding these recent developments.

Required Readings:

Copies of books will be put on reserve in Moffitt Library.

REQUIRED (bring this book to class):

- i. Matthew Lippman, 2013. *Criminal Procedure*, 2nd edition (the campus bookstore has announced that this book is available to be rented at a reduced cost of roughly \$54.00 for the semester.

STRONGLY RECOMMENDED (multiple chapters will be assigned from the following:

- ii. Michel Foucault, 1977. *Discipline and Punish: The Birth of the Prison*.

iii. Jonathan Simon, 2007. *Governing through Crime*.

Chapters from Foucault 1977 and Simon 2007 will be made available on bSpace. All other readings will also be posted on bSpace on a week-by-week schedule.

Student Responsibilities:

Attendance: Students are expected to attend all lectures and section meetings having already prepared any readings or assignments. If you are unable to attend due to illness of yourself or a dependent you need not contact the Professor or GSI unless you will be absent for more than a week in which case you should be prepared to offer medical verification of the problem. During the first two weeks of classes, however, when we will be taking attendance in order to permit students on the waiting list to add the class, you must contact us on the same day of any absence. Also, as noted below, in-class participation will count for 10% of the course grade.

CAVEAT ON TESTS: If you should find that you must miss a test due to serious illness or other comparable circumstance, you must email your GSI before the testing period to notify her of your situation. The GSI will discuss your circumstances with the professor and an effort will be made to assist you. However, a student who misses a test and only contacts the GSI days after the testing date is not likely to be allowed to sit for a make-up test – except in very rare cases, such an accommodation would clearly be unfair to the rest of the class.

University Regulations on Specific Scheduling Accommodations:

DSP ACCOMMODATIONS:

If you have specific needs due to documented disabilities we will make every effort to accommodate them, with the assistance and advice of the Disabled Students Office. For information on University policies regarding students with disabilities, and federal and state laws affecting people with disabilities, contact: <http://access.berkeley.edu/> Please convey your DSP letter to your GSI early in the semester (i.e. during the first two weeks) to make arrangements.

ACCOMMODATION OF RELIGIOUS CREED

In compliance with Education code, Section 92640(a), it is the official policy of the University of California at Berkeley to permit any student to undergo a test or examination, without penalty, at a time when that activity would not violate the student's religious creed, unless administering the examination at an alternative time would impose an undue hardship that could not reasonably have been avoided. Requests to accommodate a student's religious creed by scheduling tests or examinations at alternative times should be submitted directly to the faculty member responsible for administering the examination by the second week of the semester.

Reasonable common sense, judgment and the pursuit of mutual goodwill should result in the positive resolution of scheduling conflicts. The regular campus appeals process applies if a mutually satisfactory arrangement cannot be achieved.

CONFLICTS BETWEEN EXTRACURRICULAR ACTIVITIES AND ACADEMIC REQUIREMENTS

The Academic Senate has established Guidelines Concerning Scheduling Conflicts with Academic Requirements to address the issue of conflicts that arise between extracurricular activities and academic requirements. They specifically concern the schedules of student athletes, student musicians, those with out-of-town interviews, and other students with activities (e.g., classes missed as the result of religious holy days) that compete with academic obligations. The guidelines assign responsibilities as follows:

-It is the student's responsibility to notify the instructor(s) in writing by the second week of the semester of any potential conflict(s) and to recommend a solution, with the understanding that an earlier deadline or date of examination may be the most practicable solution.

-It is the student's responsibility to inform him/herself about material missed because of an absence, whether or not he/she has been formally excused.

Classroom expectations: While in class please turn your cell phone off. If your laptop has wireless access you may use it to access information relevant to the discussion but please do not read emails, newspapers, or other non-class related materials during class. The topics of this course include many subjects on which strong feelings and emotions may be generated. Students are encouraged to speak up with questions and comments, and to respond to points raised by other students. The maintenance of an effective discussion space in class, however, obliges all of us to act with respect for and sensitivity toward everyone else in the room.

Plagiarism: According to the College of Letters and Sciences:

All written work submitted for a course, except for acknowledged quotations, must be expressed in the student's own words. It must also be constructed upon a plan of the student's own devising. Work copied without acknowledgement from a book, from another student's paper, from the internet, or from any other source is plagiarized. Plagiarism can range from wholesale copying of passages from another's work to using the views, opinions, and insights of another without acknowledgement, to paraphrasing another person's original phrases without acknowledgement.

The submission of such work will, under University rules, render the offending student subject to an F grade for the work in question or for the entire course, at the discretion of the instructor, and will also make the student liable for referral to the SJA.

Evaluation and Grading:

<p>Sept. 20th</p> <p>Oct. 26th (exact date TBA - depends on guest lecturer)</p> <p>Nov. 18th (exact date TBA - depends on guest lecturer)</p>	<p><u>Three Midterm Review-tests:</u> Administered in-class; these tests will combine multiple-choice and short-essay questions. Please bring a green Scantron form and a blue book on these dates.</p>	<p>50% of final grade</p>
<p>Posted after RRR-week review session; due on University-assigned exam date of December 18th</p>	<p><u>Final Exam:</u> Take-home essay exam. Distributed on bSpace at least one week before the assigned final exam date. The questions will be designed to draw together concepts and materials from the entire course. Since the final test will include material from the whole course, if the grade on the final test is higher than those on the first two tests, the third and final test MAY be weighted more heavily in the student's favor.</p>	<p>30% of final grade</p>

	<p>Class Participation: Coming to class already having read the assigned material and participating in the class discussion is required of all students. Short, one-sentence questions on the reading will be administered almost every week. Students will earn 1 point for each question that they answer correctly, for a maximum of 10 points. Attendance at discussion section is required. Short assignments designed to enhance students' understanding of key concepts may be required in each GSI's section meetings and included in the final course participation grade.</p>	20% of final grade
Total		100%

Course Outline:

List of Topics and Readings:

(Students should expect minor adjustments to this schedule from day to day, in accordance with the pace of class discussion; the scheduling of guest lecturers is also an evolving process)

Part I

Weeks 1-5: Foundational Concepts of Criminal Justice in the Modern State

Week 1: Aug. 30th
 Student attendance survey required. Introduction to the course and to the instructors. Introduction to some key terms and concepts in the study of crime, law, criminology, and criminal justice.

Week 2: NO CLASS ON LABOR DAY; class as usual on Weds. Sept. 4th and Fri. 6th
On crime, criminal justice and the social world -- tracing the path from Hobbes' *Leviathan* to the US Bureau of Justice Statistics Criminal Justice Flow-chart and BJS Index Crimes.

Read for Week 2: Lippman Ch. 1 and short excerpt from Hobbes' *Leviathan* (1651) on bSpace.

Week 3: Sept. 9th, 11th & 13th

Discussion of crime, law, and social solidarity, Durkheim's "laws of penal evolution;" anomie, stadial theories, functionalism, consensus theory and its critics.

Read for Week 3: Lippman Ch 2; Durkheim (1893) Chs. 1, 2,3, excerpts on bSpace.

Week 4: Sept. 16th, 18th & 20th

Read Lippman Ch. 14, especially the first part on theories of penalty. Reflect on how these theories and processes relate to Durkheim's analyses, and Hobbes'. Review or reconsider the concepts of retribution, deterrence, rehabilitation, predicted dangerousness, and therapeutic versus incapacitative theories; restorative justice.

SEPT. 20TH: FIRST MIDTERM REVIEW-TEST (bring Scantron & Bluebook)

Week 5: Sept. 23rd, 25th & 27th

Readings for Week 5: Lippman Ch. 12; Beccaria and Bentham excerpts on bSpace.
Excerpts from Beccaria: *On Crimes and Punishments* (1764); Jeremy Bentham: *Principles of Morals and Legislation* (on bSpace).

Recommended further reading: Packer's "Two Models" and Wechsler's Model Penal Code; Zimring and Hawkins on crime and categorical contagion – bSpace

Week 6: Sept. 30th, Oct. 2nd, & Oct. 4th (Homecoming Weekend!)

Read for Week 5: Lippman Ch 13; Read: Foucault pp. 3-31.

Discussion of “Classical School of Criminal Theory” -- Beccaria and Bentham contrasted to Foucault’s critique of Enlightenment Classical theory’s “leniency revolution.”

Recommended: Foucault pp. 32-69.

Week 7: Oct. 7th, Oct. 9th, Oct. 11th

Discuss *The Model Penal Code* (1962): rehabilitation vs. deterrence.

Read Lippman Ch. 11; On “Conflict Theories” and the political economy of crime and criminalization. On bSpace: Wm. Chambliss “Law of Vagrancy”; E.P. Thompson & Douglas Hay, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (1975) excerpt; Rusche and Kirchheimer excerpt.

Tentative Guest Lecture by Prof. Alessandro De Giorgi

Week 8: Oct. 14th, 16th & 18th

Read for Week 8: Lippman Chs. 3 and 4; On bSpace excerpts from Lombroso and “The Positivist School”.

Week 9: Oct. 21st, 23rd, & 25th

Tentative Guest Lecture by Asst. US Attorney Rodney Villazor (possibly next week)

Reading for Week 9: Lippman Ch. 5; bSpace excerpts on Plea Bargaining

Week 10: Oct. 29th, 31st, Nov. 1st

Reading for Week 10: Lippman Ch. 6; bSpace on Asset Forfeiture

OCT. 18TH: SECOND MIDTERM REVIEW TEST (tentative depending on guest lecture) (bring Scantron & Bluebook)

Week 11: Oct. 28th, 30th & Nov 1st

Border stops; national security and emerging “Crimmigration” doctrine.

Read for Week 11: Lippman Ch. 7;

Part III: Current Trends and Controversies in Criminal Justice

Week 12: Nov. 4th, 6th, and 8th

Read for Week 12: Lippman Ch. 15. Security and surveillance excerpts on bSpace.

Week 13: NO CLASS on Monday Nov. 11th – *Veterans’ Day Holiday* Class Meets as usual on Weds. Nov. 13th & Friday Nov. 15th

Third Midterm Review-Test (bring Scantorn and Blue book)

Read : Volpp article on bSpace

Risk analyses and the governance of social spaces. Remedies.

Friday Nov. 22nd : Guest lecture by Boalt Professor Leti Volpp

Week 14: Nov. 25th & Nov. 27th (SHORT WEEK DUE TO THANKSGIVING)

Monday: Risk and the Control of Social Spaces

Wednesday: video and discussion

Read for Week 14: Simon excerpts on bSpace

Week 15: Dec. 2nd, Dec. 4th, Dec. 6th

Wednesday: guest lecture by Prof. Jonathan Simon on his book

Read for Week 15: Simon (2007) *Governing through Crime*, chapters 1, 3, 8.

Read also: Jerome Skolnick; Teresa Caldeira “City of Walls” and Garland “Culture of Control” excerpts. Mona Lynch, “The Punitive City.”

RRR Week: Dec. 9th – Dec. 13th.

Review session tentatively scheduled for Monday, Dec. 9th.

Course review/summary and discussion of take-home final exam, to be distributed on bSpace at least one week before campus final exam date, and to be submitted TBA. Students unable to meet this exam schedule should notify the professor by the 11th week, so that a reasonable accommodation can be arranged.

**Final Exam Date & Time: Weds. December 18th 7:00-10:00 pm,
Location TBA (time and location are assigned by Registrar)**

**Show Agent 444 –Wilson & Kelling, & Harcourt; Teresa Caldeira,
Mike Davis, clips from The Wire**