

Punishment, Culture and Society
Legal Studies 160
Tu Th 11:00---12:30
160 Kroeber

Instructor:
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Description:

This course surveys the development of Western penal practices, institutions, and ideas (what David Garland calls “penality”) from the eighteenth-century period to the present. Our primary focus will be on penal practices and discourses in United States in the early 21st century. In particular we will examine the extraordinary growth of US penal sanctions in the last quarter century and the sources and consequences of what some have called “mass imprisonment.” To gain some comparative perspective the course will also take up contemporary penality (or penalties) in Europe, South Africa, Central America, and Asia, as well as US penality and society at some earlier conjunctures.

In our analysis of penality, we will draw upon a range of social science theories with general relevance but with particularly rich application to the study of punishment. These theories provide the “tool kits” we will use to interpret and analyze multiplex implications of punishment and its relationship to changes in economic, social, and political relations associated with modernization and more recently the globalization of modern capitalism.

The course will examine many examples of penal practices and the ideas associated with them including mass imprisonment, the death penalty, and restorative justice. In the last portion of the class we will examine the recent crisis in California’s juvenile prisons through the lenses both of different social theories and the examples of different national and historical penal patterns.

Evaluations and Assignments:

Students in the class will be evaluated in three ways.

Midterm examination: 25% of the total grade

In class March 1, 2007

Final examination 50% of the total grade

(Both exams will involve multiple-choice questions as well as brief essays.)

Section Performance: 25% of the total grade.

Special Section Research Project: Documenting California Penalty

In the third week of classes, GSIs will hand out lists of possible research topics on California penal policy and practice. Topics will include all of California's many prisons and juvenile detention facilities,¹ recent executions of California prisoners, current legal cases involving California penal practices, books on California penal policy, Governor Schwarzenegger's reform proposals. You will be expected to prepare (and possibly present) a 5 minute oral presentation on your topic. Further instructions will be provided in the third week of classes. The assignment will be due in the third class following spring break.

Due April 17, 2007

Student Conduct:

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 GSIs or the Professor 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.

Class room expectations: While in class please turn your cell phone off or if you must monitor it, set it to manner-mode. 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, requires 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:

¹ Prisons are now located in virtually every county in California. Anyone who wants to visit a prison as an individual or small group can make their assignment a report on the visit (and we can help you make arrangements through the regular public tour program of the Department of Corrections).

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.

Special Needs due to Disabilities:

If you have special needs due to disabilities we will make every effort to accommodate them. For information on University policies regarding students with disabilities, and federal and state laws affecting people with disabilities, contact: http://dsp.berkeley.edu/sbin/dspACCESS.php?_page=dspCertForms

Texts:

Please purchase:

- David Garland, Punishment and Modern Society: A Study in Social Theory (Chicago: University of Chicago Press, 1990)
- Michael Cavadino and James Dignan, Penal Systems: A Comparative Approach (London: Sage, 2006)
- Further assignments will be made directly to journal articles available from the digital library through campus networked computers (proxy server instructions can be found at:
 - http://www.lib.berkeley.edu/Help/connecting_off_campus.html;
 - Articles available on LexisNexis can be found by going to the Guided Search page under the Law Review subtitle of the Legal Research at http://web.lexis-nexis.com/universe/form/academic/s_lawrev_more.html?m=7b2d1eccae-d06c6e04d11c7c0fc67422&wchp=dGLbVtb-zSkVA&_md5=74577e5939756ae0b9a88861c0e8ea41 and searching for

the title using the title pull down option instead of full text option already selected)

Recommended:

Professor Simon's lectures will make repeated reference to the following (which will also be placed on reserve). Particular chapters of these books will be recommended in the schedule of assignments. Students interested in deeper study of contemporary penalty are encouraged to obtain and read through these books in their entirety:

- Stuart Banner, The Death Penalty: An American History (Cambridge, MA: Harvard University Press, 2002)
- Charles Bright, The Powers that Punish: Prison and Politics in the Era of the "Big House," 1920--1955 (Ann Arbor: University of Michigan Press, 1996), 70-104
- Eric Cummins, The Rise and Fall of California's Radical Prisoner Movement (Stanford University Press, 1994)
- Michel Foucault, Discipline and Punish: the Birth of the Prison, trans. Alan Sheridan (New York: Pantheon, 1977)
- David Garland, The Culture of Control: Crime and Social Order in Contemporary Society (Chicago: University of Chicago Press, 2001)
- Ruth W. Gilmore, Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California (Berkeley: University of California Press, 2007)
- Marie Gottschalk, The Prison and the Gallows: The Politics of Mass Incarceration in America (Cambridge University Press 2006)
- Candace Kruttschnitt & Rosemary Gartner, Marking Time in the Golden State: Women's Imprisonment in California (Cambridge, UK: Cambridge University Press, 2005)
- Alex Lichtenstein, Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South (New York: Verso, 1996)
- Michael Meranze, Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835 (University of North Carolina Press, 1996)
- Bruce Western, Punishment and Inequality (London: Sage, 2006)

- James Q. Whitman, Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe (New York: Oxford University Press, 2003)

Class Topics and Assignments

Reading Assignments for each unit are expected to be covered in a single class period. Always prepare for class by reading one unit ahead of where the previous class ended).

1. Global Penal Practices at the Millennium, an Overview

Topics: Mass imprisonment; Torture, Abu Ghraib and Human Rights; the Execution of Saddam Hussein; Decline of the American death penalty?

Assigned Reading:

- Seymour M. Hersh, Torture at Abu Ghraib, *The New Yorker*, 2004
http://www.newyorker.com/fact/content/articles/040510fa_fact?040510fa_fact

Recommended Reading:

- Marc Mauer, Race to Incarcerate (New York: New Press, 1999)
- Bruce Western, Punishment and Inequality (London: Sage, 2006)
- Roy D. King, “The Rise and Rise of Supermax: An American Solution in Search of a Problem?” Punishment & Society (1999), Vol. 1, Issue 2, pp. 163-186 (<http://pun.sagepub.com/cgi/reprint/1/2/163>)
- Michael Tonry, “Why Are U.S. Incarceration Rates So High?” Crime & Delinquency (1999), Vol. 45, Issue 4, pp. 419-437 (<http://cad.sagepub.com/cgi/reprint/45/4/419>)
- Becky Pettit and Bruce Western, “Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration,” American Sociological Review (2004), Vol. 69, pp. 151-169 ([http://www.hawaii.edu/hivandaids/Mass Imprisonment and the Life Course Race and Class Ineq.pdf](http://www.hawaii.edu/hivandaids/Mass%20Imprisonment%20and%20the%20Life%20Course%20Race%20and%20Class%20Ineq.pdf))

2. Punishment and Society

Topics: Normative arguments about just punishment for crime; punishment considered as a social institution, a historical practice, a body of ideas, images, sensibilities, an experience; other institutions of social control, families, hospitals, shelters, detention centers, camps

Assigned Reading:

- Punishment and Modern Society, chap. 1

Recommended Reading:

- Michel Foucault, Discipline & Punish: The Birth of the Prison, trans. Alan Sheridan (New York: Pantheon, 1977), 3-32

- David Garland, "'Governmentality' and the Problem of Crime: Foucault, Criminology, Sociology," Theoretical Criminology (1997), Vol. 1, Issue 2, pp. 173-214 (<http://tcr.sagepub.com/cgi/reprint/1/2/173>)
- John Braithwaite, "What's wrong with the sociology of punishment?" Theoretical Criminology (2003), Vol. 7, Issue 1, pp. 5-28 (<http://tcr.sagepub.com/cgi/reprint/7/1/5>)
- David Garland, "Capital punishment and American culture," Punishment and Society (2005), Vol. 7, Issue 4, pp. 347-376 (<http://pun.sagepub.com/cgi/reprint/7/4/347>)
- Loic Wacquant, "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh," Punishment & Society, Vol. 3, No. 1, 95-133 (2001) <http://pun.sagepub.com/cgi/content/abstract/3/1/95>

3. Punishment and Social Solidarity

Topics: Emile Durkheim's theory of penal evolution; Durkheim's theory of the division of labor; Capital crimes in comparative perspective; Contemporary sex offender law

Assigned Reading:

- Punishment & Modern Society, chapter 2
- Cesare Beccaria, On Crimes and Punishments, chapter 28, "The Punishment of Death," online version at http://www.constitution.org/cb/crim_pun.htm {originally published 1764}

Recommended Reading:

- Stuart Banner, The Death Penalty: An American History (Cambridge, MA: Harvard University Press 2002), pp. 1-52
- E. Durkheim, "On Crime and Punishment" (taken from "The Division of Labour and The Rules of Sociological Method," in S. Lukes & A. Scull, eds.: Durkheim and the Law, pp. 59-75
- David Brion Davis, "The Movement to Abolish Capital Punishment in America, 1787-1861," The American Historical Review (1957), Vol. 63, Issue 1, pp. 23-46 (JSTOR: <http://www.jstor.org/view/00028762/di951314/95p00045/0>)
- Marcello Maestro, "A Pioneer for the Abolition of Capital Punishment: Cesare Beccaria," Journal of the History of Ideas (1973), Vol. 34, Issue 3, pp. 463-468. (JSTOR: <http://www.jstor.org/view/00225037/dm980551/98p0340u/0>)

Further Reading:

- S. Spitzer, "Punishment and Social Organisation: A Study of Durkheim's Theory of Penal Evolution," Law and Society Review (1975), Vol. 9, Issue 4, pp. 613-637 (JSTOR: <http://www.jstor.org/view/00239216/sp020075/02x0801u/0>)

- H. Garfinkel, “Conditions of Successful Degradation Ceremonies,” The American Journal of Sociology (1956), Vol. 61, pp. 420-424.
(<http://www.jstor.org/cgi-bin/jstor/printpage/00029602/dm992506/99p1065a/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3d526&backcontext=page&backurl=/cgi-bin/jstor/viewitem/00029602/dm992506/99p1065a/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3d526%26config%3d%26PAGE%3d0&action=download&config=jstor>)
- Joseph E. Kennedy, “Monstrous Offenders and the Search for Solidarity through Modern Punishment,” Hastings Law Journal (2002), Vol. 51, pp. 829-980, read: 829-833, 842-848, 906-8 (available through LexisNexis law review database)
- Roger Cotterrell, “The Durkheimian Tradition in the Sociology of Law,” Law & Society Review (1991), Vol. 25, Issue 4, pp. 923-946
(<http://www.jstor.org/cgi-bin/jstor/printpage/00239216/sp020108/02x1199c/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3c594&backcontext=page&backurl=/cgi-bin/jstor/viewitem/00239216/sp020108/02x1199c/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3c594%26config%3d%26PAGE%3d0&action=download&config=jstor>)
- Ruth Levitas, “The concept of social exclusion and the new Durkheimian hegemony,” Critical Social Policy (1996), Vol. 16, Issue 46, pp. 5-20
(<http://csp.sagepub.com/cgi/reprint/16/46/5>)

4. Punishment and Authority

Topics: Punishment and the limits of sovereignty; Lynching and “popular justice” in Central and South America; Traditional courts versus international human rights standards in post-genocide Rwanda

Assigned Reading:

- Punishment & Modern Society, chapter 3
- Angelina Godoy, “When ‘justice’ is criminal: Lynchings in contemporary Latin America,” Theory and Society (2004), Vol. 33, pp. 621-651
(<http://www.springerlink.com/content/j143826411050783/fulltext.pdf>)

Recommended Reading:

- E. Durkheim, “On the Evolution of Punishment,” (taken from “Two Laws of Penal Evolution,” in Steven Lukes and Andrew Scull, eds. Durkheim and the Law (Oxford, UK: Martin Robertson), Chapter 4: “The Evolution of Punishment,” 102-132*
- David Garland, “Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society,” The British Journal of Criminology (1996) Vol. 36, pp. 445-471 <http://bjc.oxfordjournals.org/cgi/content/abstract/36/4/445>

- Katherine Beckett, Making Crime Pay: Law and Order in Contemporary American Politics (New York: Oxford University Press, 1999)
- Angelina Godoy, "Lynchings and the Democratization of Terror in Postwar Guatemala: Implications for Human Rights," Human Rights Quarterly (2002), Vol. 24, pp. 640-661
(http://muse.jhu.edu/journals/human_rights_quarterly/v024/24.3godoy.pdf)
- Mark Brown, "The politics of penal excess and the echo of colonial penalty," Punishment & Society (2002), Vol. 4, Issue 4, pp. 403-423
(<http://pun.sagepub.com/cgi/reprint/4/4/403>)

Further Readings:

- David W Garland, "The Cultural Uses of Capital Punishment," Punishment & Society (2002), Vol. 4, Issue 4, pp. 459-487
(<http://pun.sagepub.com/cgi/reprint/4/4/459>)
- Alana Tiemessen, "After Arusha: Gacaca Justice in Post-Genocide Rwanda" African Studies Quarterly (2004), Vol. 8, Issue 1, pp. 57-76
(<http://web.africa.ufl.edu/asq/v8/v8i1a4.htm>)
- Madeline H. Morris, "The Trials of Concurrent Jurisdiction: The Case of Rwanda," Duke Journal of Comparative and International Law (1997), Vol. 7, pp. 349-374
(<https://www.law.duke.edu/journals/djcil/downloads/djcil7p349.pdf>)

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5. Punishment and Political Economy: Prison and Labor Market

Topics: The "prison industrial complex"; The effect of mass incarceration on the U.S. labor market during the 1990s

Assigned Reading:

- Punishment & Modern Society, chapter 4
- Angela Davis, "Masked Racism: Reflections on the Prison Industrial Complex," COLORLINES, 1998.
<http://www.colorlines.com/article.php?ID=114>
- Eric Schlosser, The Prison Industrial Complex, The Atlantic Monthly (December 1998)
<http://www.theatlantic.com/doc/prem/199812/prisons>

Recommended Reading:

- George Rusche and Otto Kirchheimer, Punishment and Social Structure (original 1939; Transaction edition edited and with a new introduction by Dario Melossi, 2005)
- Dario Melossi, Introduction to Transaction edition of Rusche and Kirchheimer's, Punishment and Social Structure (2005), excerpt
- <http://www.google.com/books?vid=ISBN0765809214&id=XSpeNmxFe2wC&printsec=frontcover&dq=Punishment+and+Social+Structure#PPR9,M1>

- Bruce Western, Punishment and Inequality (London: Sage, 2006)
- K. Beckett and B. Western, “Governing Social Marginality: Welfare, Incarceration and State Policy,” Punishment & Society (2001), Vol. 3, pp. 43-59. (<http://pun.sagepub.com/cgi/reprint/3/1/43>)
- Bruce Western and Katherine Beckett, “How Unregulated is the U.S. Labor Market? The Penal System as a Labor Market Institution,” American Journal of Sociology (1999), Vol. 104, Issue 4, pp. 1030-1060 (<http://www.journals.uchicago.edu/AJS/journal/issues/v104n4/AJSv104p1030/AJSv104p1030.web.pdf>)

Further Reading:

- S. Box, Recession, Crime and Punishment (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1987), Chapter4, pp.107-132.
- S. Spitzer, “Marxist Perspectives in the Sociology of Law,”
- Annual Review of Sociology (1983), Vol. 9, pp. 103-24. (<http://arjournals.annualreviews.org/doi/pdf/10.1146/annurev.so.09.080183.000535?cookieSet=1>)
- Bruce Western, Jeffrey R. Kling, and David F. Weiman, “The Labor Market Consequences of Incarceration,” Crime & Delinquency (2001) Vol. 47, Issue 3, pp. 410-427 (<http://cad.sagepub.com/cgi/reprint/47/3/410>)
- A.W. Norrie, “Marxism and the Critique of Criminal Justice,” Crime, Law, and Social Change (1982), Vol. 6, Issue 1, pp. 59-73 (<http://www.springerlink.com/content/k4u55586521v2287/fulltext.pdf>)
- Christian Parenti, Lockdown America: Police and Prisons in the Age of Crisis (London: Verso, 1999), Chapter 11, “Big Bucks from the Big House: The Prison Industrial Complex and Beyond.”

6. Punishment and Hegemony

Topics: Neoliberal penalty; Immigration detention and the global economy

Assigned Reading:

- Punishment & Modern Society, chapter 5
- “Barbed Wire Europe: A Conference Against Immigration Detention,” Journal of Refugee Studies, Vol. 13:415-423 (2000) (<http://jrs.oxfordjournals.org/cgi/reprint/13/4/415>)

Recommended Reading:

- Alessandro De Giorgi, Re-Thinking the Political Economy of Penal Politics (Aldershot, UK: Ashgate, 2006)
- Loic Wacquant, “The Penalisation of Poverty and the Rise of Neo-Liberalism,” European Journal on Criminal Policy and Research, Vol. 9: 401-412

- Jock Young, The Exclusive Society: Social Exclusion, Crime and Difference in Late Modernity (London: Sage, 1999), Chapter 3, “Cannibalism and Bulemia.”

7. Punishment and Technologies of Power

Topics: The Prison as an individualizing technology; Bentham’s Panopticon; Super-Max Prisons

Assigned Reading:

- Punishment & Modern Society, chapter 6
- Jeremy Bentham, Panopticon, or the Inspection House (original a series of letters 1786, re-published as The Panopticon Papers (London: Verso 1995)
<http://cartome.org/panopticon2.htm>

Recommended Reading:

- Michel Foucault, Discipline and Punish: the Birth of the Prison, trans. Alan Sheridan (New York: Pantheon 1977), pp. 3-31, 195-228, 293-308, and centre plate
Chapter 3. Panopticism
<http://foucault.info/documents/disciplineAndPunish/foucault.disciplineAndPunish.panOpticism.html>
- Thomas L. Dumm, Democracy and Punishment (Madison: University of Wisconsin Press, 1987)
- Michael Meranze, Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835 (University of North Carolina Press, 1996)
- Lorna A. Rhodes, “Psychopathy and the face of control in supermax,” Ethnography, vol. 3:442-466 (2002)
- Craig Haney, “Mental Health Issues in Long-Term Solitary and “Supermax” Confinement,” Crime & Delinquency, Vol. 49:124-156 (2003)

Further Reading

- David Garland, “‘Governmentality’ and the Problem of Crime: Foucault, Criminology, Sociology,” Theoretical Criminology (1997), Vol. 1, Issue 2, pp. 173-214
<http://tcr.sagepub.com/cgi/reprint/1/2/173>
- Dany Lacombe, “Reforming Foucault: A Critique of the Social Control Thesis,” The British Journal of Sociology (1996), Vol. 47, Issue 2, pp. 332-352
<http://www.jstor.org/cgi-bin/jstor/printpage/00071315/ap020188/02a00070/0?frame=noframe&dpi=3&useRID=a9e52087@berkeley.edu/01cce4406200501b3c594&backcontext=page&bac>

<http://www.jstor.org/cgi-bin/jstor/viewitem/00071315/ap020188/02a00070/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3c594%26config%3d0%26PAGE%3d0&action=download&config=jstor>

- Jonathan Simon, "They Died with their Boots On: The Boot Camp and the Limits of Modern Penalty," *Social Justice* (1995), Vol. 22, Issue 2, pp. 25-48
<http://proquest.umi.com/pqdlink?Ver=1&Exp=12-20-2011&FMT=7&DID=592429591&RQT=309#fulltext>
- Zygmunt Bauman, "Social Issues of Law and Order," *British Journal of Criminology* (2000), Vol. 40, pp. 205-221
<http://bjc.oxfordjournals.org/cgi/reprint/40/2/205>

8. Punishment and Governance

The persistence of the prison; Mass imprisonment; State variation

Assigned Reading:

- V. Barker, "The politics of punishing: Building a state governance theory of American imprisonment variation," *Punishment and Society* (2006), Vol. 8, Issue 1, pp. 5-32
<http://pun.sagepub.com/cgi/reprint/8/1/5>

Recommended Reading:

- David Garland, "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society," *British Journal of Criminology*, Vol. 36: 445-471 (1996)
- David Garland, Introduction: The Meaning of Mass Imprisonment, in David Garland, ed. *Mass Imprisonment: Social Causes and Consequences* (London: Sage 2002)
- Theodore Caplow and Jonathan Simon, "Understanding Prison Policy Population Trends," *Crime and Justice: Vol. 26 Prisons*, Michael Tonry and Joan Petersilia, eds. (Chicago: University of Chicago Press, 1999), pp. 63-120
<http://www.jstor.org/cgi-bin/jstor/printpage/01923234/ap040026/04a00040/0.pdf?backcontext=page&dowhat=Acrobat&config=jstor&userID=a9e52087@berkeley.edu/01cce4406300501b5a20b&0.pdf>
- R. Matthews, "The myth of punitiveness," *Theoretical Criminology* (2005), Vol. 9, Issue 2, pp. 174-201
<http://tcr.sagepub.com/cgi/reprint/9/2/175>
- N. Hutton, "Beyond populist punitiveness?" *Punishment and Society* (2005) Vol. 7, Issue 3, pp. 243-258
<http://pun.sagepub.com/cgi/reprint/7/3/243.pdf>

Further Reading

- Richard Sparks, "Bringin' it all back home: Populism, media coverage and the dynamics of locality and globality in the politics of crime control," in Kevin

Stenson and Robert Sullivan, eds., Crime, Risk and Justice: the Politics of Crime Control in Liberal Democracies, (Devon, UK: Willan Publishing, 2001)

- Julian Roberts, et al. Penal Populism and Public Opinion: Lessons from Five Countries (New York: Oxford University Press, 2002)
- Michael Tonry, Thinking About Crime: Sense and Sensibility in American Penal Culture (New York: Oxford University press, 2004)
- David Downes and Rod Morgan, "The Skeletons in the Cupboard: The Politics of Law and Order at the Turn of the Millennium," in Mike Maguire, et al. (eds), The Oxford Handbook of Criminology (3rd ed.) (New York: Oxford University Press, 2002)
- Philip Pettit, "Is Criminal Justice Politically Feasible?" Buffalo Criminal Law Review (2002), Vol. 5, pp. 427-450.
([http://wings.buffalo.edu/law/bclc/bclrarticles/5\(2\)/Pettit.pdf](http://wings.buffalo.edu/law/bclc/bclrarticles/5(2)/Pettit.pdf))
- Michael Tonry, Punishment and politics: evidence and emulation in the making of English crime control policy (Devon, UK: Willan, 2004) (all chapters relevant, but you might want to start with Chapter 3)
- Katherine Beckett, Making Crime Pay: Law and Order in Contemporary American Politics (New York: Oxford University Press, 1999)
- Katherine Beckett and Theodore Sasson, The Politics of Injustice: Crime and Punishment in America (2nd ed.) (London: Sage, 2003)
- Jock Young, "Winning the Fight Against Crime?: New Labour, Populism and Lost Opportunities," in Roger Matthews and Jock Young, eds., The New Politics of Crime and Punishment (Devon, UK: Willan, 2003)

9. Rationalization of Punishment

Topics: Penal bureaucracy; New Penology

Assigned Reading:

- Punishment & Modern Society, chapter 8
- Malcolm M. Feeley and Jonathan Simon, "The New Penology: Notes on the emerging strategy of corrections and its implications." Criminology (1992), Vol. 30, pp. 449-474.
<http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1745-9125.1992.tb01112.x>

Recommended Reading:

- Pat O'Malley, "Volatile and contradictory punishment," Theoretical Criminology (1999), Vol. 3, No. 2, pp. 175-196.
<http://tcr.sagepub.com/cgi/reprint/3/2/175>
- James B. Jacobs, Stateville: The Penitentiary in Mass Society (Chicago: University of Chicago Press, 1977), 28-51
- Jonathan Simon, "Managing the monstrous: Sex offenders and the New Penology." Psychology, Public Policy and Law (1998), Vol. 4, Issues 1/2, pp. 452-467. (Available on LexisNexis)
- Malcolm Feeley and Jonathan Simon, "Actuarial Justice: the Emerging new Criminal Law," in D. Nelken (ed.) The Futures of Criminology, pp. 173-201.

- Clifford Shearing, “Punishment and the Changing Face of Governance,” Punishment and Society (2001), Vol. 3, Issue 2, pp. 203-20. (<http://pun.sagepub.com/cgi/reprint/3/2/203>)

Further Reading:

- E. Silver and L. Miller, “A Cautionary Note on the Use of Actuarial Risk Assessment Tools for Social Control,” Crime & Delinquency (2002), Vol. 48, Issue 1, pp. 138-61. <http://cad.sagepub.com/cgi/reprint/48/1/138.pdf?ck=nck>
- H. Kemshall and M. Maguire, “Public Protection, Partnership and Risk Penalty: The Multi-Agency Risk Management of Sexual and Violent Offenders’,” Punishment and Society (2001), Vol. 3, Issue 2, pp. 237-64. <http://pun.sagepub.com/cgi/reprint/3/2/237>

10. Punishment and Sensibilities

Topics: the abolition of public executions; the problem of inhumane punishments; the current controversy over lethal injection

Assigned Readings:

- Punishment & Modern Society, chapter 10
- The Last Public Execution in America, NPR, May 1, 2001 <http://www.npr.org/programs/morning/features/2001/apr/010430.execution.html>
- How Lethal Injection Works, howstuffworks.com <http://www.howstuffworks.com/lethal-injection.htm>
- California Lethal Injection Procedures <http://www.cya.ca.gov/ReportsResearch/lethalInjection.html>

Recommended Reading:

- Stuart Banner, The Death Penalty: An American History (Cambridge, MA: Harvard University Press, 2002)
- Pieter Spierenburg, The Spectacle of Suffering, (Cambridge, UK: Cambridge University Press, 1984), Chapter 6, pp. 183-199.
- Norbert Elias, The Civilizing Process: The History of Manners and State Formation and Civilization (Oxford: Blackwell Publishing, 1994) [Revised edition], Preface, pp. xi-xvii and pp. 114-119
- J. Pratt, “Towards the ‘decivilizing’ of punishment?” Social & Legal Studies (1998), Vol. 7, Issue 4, pp. 487-515. (<http://sls.sagepub.com/cgi/reprint/7/4/487>)

Further Reading:

- D. Smith, Norbert Elias & Modern Social Theory, (London: Sage, 2001) Chapter 2

- J. Pratt, "Norbert Elias and the civilized prison," British Journal of Sociology (1999), Vol. 50, Issue 2, pp. 271-296 (<http://www.ingentaconnect.com/content/routledg/rbjs/1999/00000050/00000002/art00005>)
- Michael Tonry, Thinking about Crime: Sense and Sensibility in American Penal Culture (New York: Oxford University press, 2004)
- John Pratt, "Emotive and Ostentatious Punishment: Its Decline and Resurgence in Modern Society," Punishment & Society (2000), Vol. 2, Issue 4, pp. 417-439 (<http://pun.sagepub.com/cgi/reprint/2/4/417>)

11. The Decline of the Death Penalty in Europe and N. America from late 18th century until the late 20th century

Assigned Reading:

- Roger Hood, "Capital Punishment: A Global Perspective," Punishment & Society (2001), Vol. 3, pp. 331-354 (http://www.soc.uoc.gr/socmedia/socmedia/MEDIA/reception/capitl_punishment_global.pdf)

Recommended Reading:

- Timothy V. Kaufman-Osborn, "A critique of contemporary death penalty abolitionism," Punishment & Society (2006), Vol. 8, pp. 365-383 (<http://pun.sagepub.com/cgi/reprint/8/3/365>)

Recommended:

- Theodore Hamm, Rebel and a Cause: Caryl Chessman and the Politics of the Death Penalty in Postwar California, 1948-1974 (Berkeley, Los Angeles, and London: University of California, 1991)
- Louis P. Masur, Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865 (New York: Oxford University Press, 1989)
- David Brion Davis, "The Movement to Abolish Capital Punishment in America, 1787-1861," The American Historical Review (1957), Vol. 63, Issue 1, pp. 23-46 (JSTOR: <http://www.jstor.org/cgi-bin/jstor/printpage/00028762/di951314/95p00045/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3c594&backcontext=page&backurl=/cgi-bin/jstor/viewitem/00028762/di951314/95p00045/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3c594%26config%3d%26PAGE%3d0&action=download&config=jstor>)

12. Capital Punishment in the United States since the 1970s: American Exceptionalism?

Assigned Reading:

- David Garland, "Capital punishment and American culture," Punishment and Society (2005), Vol. 7, Issue 4, pp. 347-376
<http://pun.sagepub.com/cgi/reprint/7/4/347>

Recommended Reading:

- Franklin E. Zimring, "Path dependence, culture and state-level execution policy: A reply to David Garland" Punishment & Society (2005), Vol. 7, Issue 4, pp. 377-384
<http://pun.sagepub.com/cgi/reprint/7/4/377>
- Franklin Zimring, The Contradictions of American Capital Punishment (New York Oxford University Press, 2003)
- Herbert H. Haines, Against Capital Punishment: The Anti-Death Penalty Movement in America, 1972-1994 (New York: Oxford University Press, 1996)
- Austin Sarat, ed., The Killing State: Capital Punishment in Law, Politics, and Culture (New York: Oxford University Press, 1999)
- Eric Monkkonen, Reaction to David Garland on capital punishment," Punishment & Society (2005), Vol. 7, pp. 385-387
<http://pun.sagepub.com/cgi/reprint/7/4/385>
- Jonathan Simon, "Why Do You Think They Call It Capital Punishment? Reading the Killing State," Law & Society Review (2002), Vol. 36, Issue 4, pp. 783-812 (<http://www.jstor.org/cgi-bin/jstor/printpage/00239216/ap050004/05a00050/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3c594&backcontext=page&backurl=/cgi-bin/jstor/viewitem/00239216/ap050004/05a00050/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3c594%26config%3d%26PAGE%3d0&action=download&config=jstor>)
- David W Garland, "The Cultural Uses of Capital Punishment," Punishment & Society (2002), Vol. 4, Issue 4, pp. 459-487
<http://pun.sagepub.com/cgi/reprint/4/4/459>

13. Capital Punishment: The Asian Experience**Assigned Reading:**

- David T. Johnson, "Where the state kills in secret: Capital punishment in Japan," Punishment & Society, Vol. 8, Issue 3: pp. 251 - 285.
<http://pun.sagepub.com/cgi/reprint/8/3/251>

14. The Persistent Prison

Topics: The failure of prisons and their reform

IN CLASS PRESENTATION

Quiet rage [videorecording] : the Stanford prison study / produced and directed by Ken Musen ; written by Ken Musen and Philip Zimbardo.

▪

Recommended Reading:

- Craig Haney & Philip Zimbardo, "The Past and Future of U.S. Prison Policy: Twenty-Five Years After the Stanford Prison Experiment," The American Psychologist (1998), Vol. 53, pp. 709-724
<http://www.apa.org/journals/features/amp53709.pdf>
- <http://www.prisonexp.org/>

Further Reading:

- Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United States and Its Application in France, trans. Francis Lieber (New York: Augustus M. Kelley, 1970 [1833]), 19-27*
- Charles Dickens, American Notes, Chapter 7: Philadelphia, And Its Solitary Prison, (online version: www.people.virginia.edu/~jlg4p/dickens/amnotes/dks7.html) {originally published 1842}
- John H. Langbein, "The Historical Origins of the Sanction of Imprisonment for Serious Crime," The Journal of Legal Studies (1976), Vol. 5, Issue 1, pp. 35-60 (<http://www.jstor.org/cgi-bin/jstor/printpage/00472530/ap020011/02a00030/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3c594&backcontext=page&backurl=/cgi-bin/jstor/viewitem/00472530/ap020011/02a00030/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3c594%26config%3d%26PAGE%3d0&action=download&config=jstor>)

15. The Penitentiary and its Transformations through WWII

Topics: Silent system; convict lease system; Nazi prisons; the Big-House; the correctional institution

Require reading:

- Alex Lichtenstein, "Good Roads and Chain Gangs in the Progressive South: 'The Negro Convict is a Slave,'" The Journal of Southern History (1993), Vol. LIX, Issue 1, pp. 86-110
<http://www.jstor.org/view/00224642/di982407/98p0659j/0>

Recommended reading:

- Alex Lichtenstein, Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South (New York: Verso, 1996)
- Michael Meranze, Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835 (Chapel Hill, NC, and London: University of North Carolina Press, 1996)
- Janet Semple, Bentham's Prison: A Study of the Panopticon Penitentiary (New York: Oxford University Press, 1993)
- Harry Elmer Barnes, "The Historical Origin of the Prison System in America," Journal of the American Institute of Criminal Law and Criminology (1921), Vol. 12, Issue 1, pp. 35-60 (<http://www.jstor.org/cgi-bin/jstor/printpage/08854173/ap040062/04a00040/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3d526&backcontext=page&backurl=/cgi-bin/jstor/viewitem/08854173/ap040062/04a00040/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3d526%26config%3d%26PAGE%3d0&action=download&config=jstor>)
- Robert R. Sullivan, "The Birth of the Prison: The Case of Benjamin Rush," Eighteenth-Century Studies (1998), Vol. 31, Issue 3, pp. 333-344 (http://muse.jhu.edu/journals/eighteenth-century_studies/v031/31.3sullivan.html)
- James Q. Whitman, Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe (New York: Oxford University Press, 2003), pp. 84-92
- Nikolaus Wachsmann, Hitler's Prisons: Legal Terror in Nazi Germany (New Haven: Yale University Press, 2004)
- Edward Ayers, Vengeance and Justice: Crime and Punishment in the 19th Century American South (New York: Oxford University Press, 1984)

16. The Correctional Institution**Assigned reading:**

- Jonathan Simon, "From the Big-House to the Warehouse: Rethinking Prisons and State Government in the 20th Century," Punishment & Society, Vol. 2, Issue 2, pp. 213-238
<http://pun.sagepub.com/cgi/reprint/2/2/213>

Recommended reading:

- Volker Janssen, "From the Free World to the Carceral Empire: American Prisons in International Context, 1941-2004," (Manuscript on b_space)
- Candace Kruttschnitt & Rosemary Gartner, Marking Time in the Golden State: Women's Imprisonment in California (Cambridge, UK: Cambridge University Press, 2004), 1-76
- John Irwin, Prisons in Turmoil (Chicago: University of Chicago Press, 1980)

- Eric Cummins, The Rise and Fall of California's Radical Prisoner Movement (Stanford University Press, 1994)

Further reading:

- James B. Jacobs, Stateville: The Penitentiary in Mass Society (Chicago: University of Chicago Press, 1977)
- Gresham Sykes, Society of Captives: A Study of a Maximum Security Prison (Princeton: Princeton University Press, 1958)

17. Mass Incarceration

Assigned reading:

- David Garland, "Introduction: The Meaning of Mass Imprisonment," Punishment and Society (2001), pp. 5-7
<http://pun.sagepub.com/cgi/reprint/3/1/5>
- Lorna A. Rhodes, "Psychopathy and the face of control in supermax," Ethnography (2002), Vol. 3, pp. 442-466
<http://eth.sagepub.com/cgi/reprint/3/4/442>

Recommended:

- Lorna A. Rhodes, Total Confinement: Madness and Reason in the Maximum Security Prison. (Berkeley and London: University of California Press, 2004).
- Craig Haney, "Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement," Crime & Delinquency (2003), Vol. 49, pp. 124-156 (California Digital Library)
<http://cad.sagepub.com/cgi/reprint/49/1/124?ck=nck>
- David Downes, "The Macho Penal Economy: Mass Incarceration in the United States - A European Perspective," Punishment & Society (2001), Vol. 3, pp. 61-80.
<http://pun.sagepub.com/cgi/reprint/3/1/61>
- Daniel P. Mears and Michael D. Reising, "The Theory and Practice of Supermax Prisons," Punishment & Society (2006), Vol. 8, pp. 33-57.
<http://pun.sagepub.com/cgi/reprint/8/1/33>
- Roy D. King, "The Rise and Rise of Supermax: An American Solution in Search of a Problem?" Punishment & Society (1999), Vol. 1, Issue 2, pp. 163-186
<http://pun.sagepub.com/cgi/reprint/1/2/163>

18. California's Prison Crisis

Assigned reading:

- Little Hoover Commission, Solving California's Correction's Crisis: Time is Running Out (Report #185, January 2007) excerpts
<http://www.lhc.ca.gov/lhcdir/report185.html>

- Joan Petersilia, “Understanding California Corrections: A Summary” (Center for Evidence Based Corrections, UC Irvine, May 2006)
<http://ucicorrections.seweb.uci.edu/pdf/cprcsummary.pdf>

Recommended reading:

- Joan Petersilia, Understanding California Corrections (California Policy Reports, 2006)
http://ucicorrections.seweb.uci.edu/pdf/rpt_Petersilia_CPRC_blulin.pdf

19. Punishment and Racial Inequalities

Assigned reading:

- L. Wacquant, “Deadly Symbiosis: When Ghetto and Prison Meet and Mesh,” Punishment and Society (2001), Vol. 3, Issue 1, pp. 95-134.
<http://pun.sagepub.com/cgi/reprint/3/1/95.pdf>

Recommended reading:

- Becky Petit and Bruce Western, “Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration,” American Sociological Review (2004), Vol. 69, pp. 151-169
(<http://www.princeton.edu/~western/ASRv69n2p.pdf>)
- Bruce Western, Punishment and Inequality (London: Sage, 2006)

Further reading:

- E. Anderson, “Going straight: The story of a young inner-city ex-convict,” Punishment and Society (2001), Vol. 3, Issue 1, pp. 135-52.
<http://pun.sagepub.com/cgi/reprint/3/1/135?ck=nck>
- Rodney L. Engen, Sara Steen, George S. Bridges, “Racial Disparities in the Punishment of Youth: A Theoretical and Empirical Assessment of the Literature,” Social Problems (2002), Vol. 49, Issue 2, pp. 194-220
<http://caliber.ucpress.net/doi/pdf/10.1525/sp.2002.49.2.194?cookieSet=1>)
- Darrell Steffensmeier, Jeffery Ulmer, and John Kramer, “The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male,” Criminology (1998), Vol. 36, Issue 4, pp. 763-798
<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1745-9125.1998.tb01265.x>

20. Parole, Probation and Community Punishment

Assigned reading:

- Mona Lynch, “Waste Managers? The New Penology, Crime Fighting, and Parole Agent Identity,” Law & Society Review (1998), Vol. 32, Issue 4, pp. 839-870.
<http://www.jstor.org/cgi-bin/jstor/printpage/00239216/ap030004/03a00050/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3d526&backcontext=pag&backurl=/cgi-bin/jstor/viewitem/00239216/ap030004/03a00050/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3d526%26config%3d%26PAGE%3d0&action=download&config=jstor>

Recommended reading:

- Jonathan Simon, Poor Discipline: Parole and the Social Control of the Underclass, 1890-1990 (Chicago: University of Chicago Press, 1993)
- Joan Petersilia, “Probation in the United States,” Crime and Justice (1997), Vol. 22, pp. 149-200 (<http://www.jstor.org/cgi-bin/jstor/printpage/01923234/ap040022/04a00050/0?frame=noframe&dpi=3&userID=a9e52087@berkeley.edu/01cce4406200501b3d526&backcontext=pag&backurl=/cgi-bin/jstor/viewitem/01923234/ap040022/04a00050/0%3fframe%3dnoframe%26dpi%3d3%26userID%3da9e52087@berkeley.edu/01cce4406200501b3d526%26config%3d%26PAGE%3d0&action=download&config=jstor>)

21. Introduction to Comparative Penology

Assigned reading:

Penal Systems, Chapter 1

22. American Penalty in Global Context

Assigned reading:

Penal Systems, Chapters 2, 3

23. Anglo-Saxon Penalty?

Assigned reading:

Penal Systems, Chapters 4, 5

24. France and Italy: Corporatist Alternative?

Assigned reading:

Penal Systems, Chapter 9

25. South Africa & Germany: The Backdrop of Authoritarianism

Assigned reading:

Penal Systems, Chapters 6, 7

26. Nordic Penalty?

Assigned reading:

Penal Systems, Chapter 10

27. Japan

Assigned reading:

Penal Systems, Chapter 11

28. Comparative Youth Justice

Assigned reading:

Penal Systems, Chapter 12

Reading on California youth prisons TBA

29. Neo-liberal youth justice systems

Assigned reading:

Penal Systems, Chapter 13

30. TBA

31. The Future of Penalty

Assigned reading:

Penal Systems, Chapter 17