

Sociology 4084: PUNISHMENT, LAW, & SOCIETY, Spring 2016
-- Monday, Wednesday, Friday: 3:00-3:50pm, Room: CLRE 207

Instructor: Philip Pendergast
Email: philip.pendergast@colorado.edu
Office Information: Ketchum Hall, Room 263
Office Hours: Monday 1:00-2:50pm, or by appointment



"We find that all of us, as a society, are to blame, but only the defendant is guilty."

"Punishment can be seen to reflect our understanding and our values, and is therefore regulated by standards people apply every day for what is and what is not possible to do to others. So the question for each of us is: would it be in accordance with my general set of values to live in a state which represented me in this particular way? ...Belonging to Western industrialized culture, I am also represented by what happens in the USA. It is in a way also a part of me that cultural relatives find it acceptable to do such things to so many fellow citizens." --Nils Christie, 1994: 185-6

Course Description & Objectives

As you may know, the United States currently imprisons more people per capita than any other nation on earth. This *seems* fundamentally at odds with our nation's ideals of freedom and liberty, but *is it possible that punishing criminals somehow reinforces these principles?* Is punishment an intrinsic part of our society and culture? How did this happen? Over the course of the semester we will explore these questions (and more) as we dive into the history of punishment, the rise of mass incarceration, the debate over the death penalty, the persistence of racial/ethnic and gender disparities, and how these and other topics both reflect and construct our cultural understandings of "good", "bad", and the legitimacy of laws and sanctions. I would hope that you take away from this class the idea that our current

“criminal justice” strategy is a choice, one of many available options, that like all approaches rests on certain assumptions about the causes of crime and the most appropriate responses to them.

The U.S. appears to be at a tipping point where we are considering major reforms in how we approach crime control. Armed with the knowledge from this class, you should be able to take a more active and informed role in this process, helping to make policy choices that will save taxpayers money, reduce injustices, and benefit society as a whole.

Course Requirements

This is a VERY reading and writing intensive course. You will be expected to keep up on all readings as they are assigned (approximately 4-6 research articles or 1 book per week, give or take). I encourage you to make note of particularly striking revelations that you have while reading or of details that you will want to be able to recall later. Staying on top of this facilitates good discussion (you’ll already have ideas and reactions to the readings) and lessens the amount of work you will have to do to prepare for the midterm and final exams (you can easily recall where you read that interesting fact or why you made that weird connection to Weber’s “The Protestant Ethic”).

Reaction Papers- 30%

There will be 6 *reaction papers* (each counting for 5% of your course grade) in which I expect you to discuss the week’s readings. One of these papers may be a *media* response, which can be about anything you watch or listen to that you deem relevant to the class. These typed, 1 to 3 page, double-spaced essays will be graded on a 5-point scale (from 1= unacceptable, no original thought was put into the piece or the readings were not referenced; to 5= consistently exceeds expectations, understands the content deeply) and must be submitted to D2L on Sundays by midnight. *These papers are not meant for you to simply summarize information*, but should instead push you to 1) identify a common theme across various articles, 2) relate the readings to and discuss the implications of some relevant current event, 3) comment on the evidence in the readings as they relate to theories of crime, offending, etc., or 4) engage in some other informed discussion about the content. You may complete up to 8 reaction papers, in which case I will drop your 2 lowest scores.

Take-Home Exams/Essays- 30%

We will have 2 midterms and 1 final take-home exam that each constitute 10% of your overall grade. I will provide essay prompts that require you to make connections between topics, using information from the readings in a meaningful way to defend a policy decision, critique the arguments made in a book, or support some original idea. These are due in class on pre-determined dates (see the schedule, below) and cannot be made up or turned in late. *If you know that you will*

be missing class on one of these days, let me know within the first 2 weeks of class and we can make accommodations.

Current Events Presentation- 10%

Some weeks' topics (marked on the schedule) have particular relevance for what is going on in our country right now. During these weeks, small groups will present on a story or current event that ties into the course topic and lead discussion for 20 minutes of class time. Each group will present once during the course of the semester for 10% of their overall grade, which will be based on the overall quality of your discussion and assessments from your group members about your specific contributions to the presentation.

Class Debate- 10%

We will hold 3 (or depending on enrollment, 4) debates throughout the class, and each person is expected to participate in one debate of their choice, on a first-come first-served basis. Teams of 5 or 6 will be assigned to either a "pro" or "against" side for each (highly controversial) topic, and are tasked with defending this side to the best of their ability following a fixed format. Attendance on these days is mandatory and contributes a small portion to *your* debate grade, as the audience will vote to determine the winning side of the debate. If your team wins, you receive a higher grade than the losing side.

Participation- 20%

Come to class having read the day's assigned reading(s) and ready to participate in discussion, take notes, or engage in some other way with the material. While I don't formally take attendance, I will give in-class assignments from time to time that count toward your participation grade. If you are absent on days that these are assigned you cannot make the grade up; however, there are some 'mercy' days built in as I will drop your 2 lowest-scoring assignments at the end of the semester. The rest of your participation grade comes from you being *present in class, attentive, respectful, engaged in discussions, and willing to take part in short exercises/activities.*

Grades

Final grades are based on your weekly reaction papers (30%), midterm exams (20%), final exam (10%), current events presentation (10%), debate (10%), and participation (20%).

Grade	Percentage
A	100-94%
A-	93-90%
B+	89-87%
B	86-83%
B-	82-80%
C+	79-77%
C	76-73%
C-	72-70%
D+	69-67%
D	66-63%
D-	62-60%
F	59-0%

If you are concerned about your grade *meet with me as soon as possible* to discuss strategies for improving performance over the rest of the semester. There are no extra credit opportunities available in this class and late work is not accepted, so please *do*

not wait until the end of the semester when it is too late.

Classroom Etiquette

I expect students to engage in class discussions, take notes, or listen attentively while in class. I will try to foster a comfortable forum for students with differing opinions and perspectives to speak freely and openly, without fear of recourse from others. Be respectful of others' opinions in class discussions. Please let me know after class or via email if a discussion leaves you feeling uncomfortable or personally attacked and we can work on fostering a more nurturing environment moving forward. That said, *do not be afraid to ask questions that you may think are "stupid" or "inappropriate"—often, discussing these things is beneficial to everyone.*

I will enforce a strict **NO PHONES POLICY IN CLASS**. If you are expecting a call or if there is an emergency please let me know at the beginning of class (if possible) and/or quietly excuse yourself to take the call.

Readings

All of these books are readily available on [amazon.com](https://www.amazon.com) and at the bookstore. I recommend that you buy them used, online, for the best deal. Feel free to buy earlier editions of the books if money is tight—these will get the main ideas across just fine.

Alexander, Michelle. 2012. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.*

Beckett, Katherine. 1999. *Making Crime Pay: Law and Order in Contemporary American Politics.*

Garland, David. 2002. *The Culture of Control: Crime and Social Order in Contemporary Society.*

Richie, Beth. 2012. Arrested Justice: Black Women, Violence, and America's Prison Nation.

Rios, Victor. 2011. Punished: Policing the Lives of Black and Latino Boys.

Stevenson, Bryan. 2015. Just Mercy: A Story of Justice and Redemption.

Optional Texts:

These books will provide a more in-depth theoretical perspective on punishment and the rise of the prison system in the U.S. We will read excerpts from these (that I will scan and post to D2L) but I recommend purchasing the full text if you are planning on pursuing graduate degrees in related fields.

Foucault, Michel. 1995. Discipline & Punish: The Birth of the Prison.

Garland, David. 1993. Punishment and Modern Society: A Study in Social Theory.

Additional Readings/ Online Content:

Important course-related content will be available online on the course D2L site, including the syllabus, any additional readings, homework assignments, and grades. Try to check the site at least once a week to be sure you have the latest content. I will post the lecture slides at the end of every week on D2L. I do not post them prior to our meetings because I am a recovering procrastinator and sometimes will not finalize things until the start of class.

Communications

In addition to posting homework and readings on the website, I will email these assignments to you using your University of Colorado email address. Be sure to check this email frequently so that you do not miss these important communications.

Please remember that email is an official form of communication-- when you write to me please use language and wording that is respectful and consistent with how you would address me in class. **IN ALL EMAIL EXCHANGES, PLEASE INCLUDE "SOCY4084" IN THE SUBJECT LINE** (e.g. "SOCY4084: Exam 1", NOT "Exam 1" or "Hey").

Policies for Students with Special Needs

If you qualify for accommodations because of a disability, please submit to me a letter from Disability Services at the beginning of the semester so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities.

Contact: 303-492-8671, Center for Community N200, and/or go to:
<http://www.colorado.edu/disabilityservices>

If you are suffering from a temporary medical condition or injury and you need special accommodations, please see the guidelines at this address before contacting me: <http://www.colorado.edu/disabilityservices/go.cgi?select=temporary.html>

Religious Holidays:

In accordance with campus policy, I will make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams or assignments. Please contact me regarding any conflicts between religious observance dates and course examinations or assignments ASAP(!). You must communicate religious observances to me at least one week in advance (preferably sooner) for any accommodations for missed assignments and exams.

For full details on university policies regarding religious holidays, see:
http://www.colorado.edu/policies/fac_relig.html

Discrimination and Harassment:

I will not tolerate any form of discrimination or harassment, and any violators will be dealt with accordingly. If you believe you have been the subject of sexual harassment or discrimination or harassment based on your race, ethnicity, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status, you should (a) speak with your instructor and/or (b) directly contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Student Conduct (OSC) at 303-492-5550.

Information about the ODH, university policies on discrimination/harassment, and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://www.colorado.edu/odh>

Honor Code Polices:

All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of others, academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council (honor@colorado.edu; 303-735-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from me (including but not limited to receiving a zero for the exam or assignment, and receiving a failing grade for the course) and non-academic sanctions from others (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at: <http://www.colorado.edu/policies/honor.html> and at <http://www.colorado.edu/academics/honorcode/>

The Honor Code is in effect at all times. Please turn in your own work, cite references correctly, and all will be fine! **Plagiarism will NOT be tolerated.**

Tentative Schedule

I plan on revising this schedule as needed to accommodate new readings, current events, and topics of student interest. However, exam dates will not change.

All readings should be completed before class on the days assigned below. Due dates after the first week of February will be communicated in class, on D2L, and via email.

Books are denoted with a *

January 11-15: Introducing the current state of affairs

-1/11

-Review syllabus

-1/13

-Mauer: Changing Racial Dynamics

-BJS 2013 Prisons Report, pages 1-19

-1/15

-Pettit & Western: Mass Incarceration & Life Course, pg. 151-156, 160-165

-Feeley & Simon: New Penology

NO CLASS Monday, January 18th (Happy Martin Luther King Jr. Day!)

-Use this time to start reading "The New Jim Crow"

January 20-22: The rise of the Modern Prison System, pt. 1

-New Jim Crow*

-Chapters 1 & 2 due 1/20

-Chapters 3 & 4 due 1/22

January 25-29: The rise of the Modern Prison System, pt. 2

-New Jim Crow*

-Chapters 5 & 6 due 1/25

-Making Crime Pay*

-Chapters 1-4 due 1/27

-Chapters 5-8 due 1/29

February 1-5: The U.S. in the International Context

-2/1

-Incarceration within American and Nordic Prisons, Ward et al.

-Why Scandinavian Prisons are Superior, The Atlantic

-OECD Stats Comparison

-2/3

-Capital Punishment and American Culture, Garland

-Why US Rates are so High, Tonry

-Current Events Presentations 2/5, no readings due (start "Culture of Control")

February 8-12: What can Sociological Theory teach us about Punishment?

-Garland: Culture of Control*

-Western: Punishment and Inequality excerpt

February 15-19: Institutional Racism/ Immigration and Law

-Cross-Deputization

-Brayne: Surveillance and System Avoidance

-Steffensmeier: Punishment Cost of Being Young, Black, Male

-EXAM 1 Due February 19

February 22-26: Policing, pt. 1

-Rios: Punished*

-Current Events Presentations 2/26

February 29-March 4: Policing, pt. 2

-Scheingold: Politics of Police Culture

-Goffman: On the Run Excerpt

March 7-11: Intersectionality, Women, and Mass Incarceration

-Richie: Arrested Justice*

-Gaskins: Women of Circumstance

-Current Events Presentations 3/11

March 14-18: Extralegal impacts of a criminal record

-Pager: Mark of a criminal record

-Guest Speaker?

-EXAM 2 Due March 18

NO CLASS March 21-25: SPRING BRRRREEEEEEAAAANKKKK!!!!

March 28-April 1: Why do we Punish?

-Kennedy: Monstrous Offenders

-Matthews: The myth of Punitiveness

April 4-8: Race and the Death Penalty

-Stevenson: Just Mercy*

-Current events presentations 4/8

April 11-15: Risk Assessment & Biosocial Criminology

-*Juveniles Tried as Adults Debate*

-Wright, Biosocial Criminology

- Watts, Genetic Influences
- Boardman, Gene-Environment Interactions

April 18-22: Looking to the Future

- Decriminalization/ legalization of drugs debate*
- Risk assessment articles
- Hannah-Moffat: Women's parole decisions
- Current events presentations 4/22**

April 25-29: Prison Abolition, Special topics (TBD) & Final exam

- “Instead of Prisons” Ch. 1
- “The Enterprise of Law, Justice Without the State”, Benson
- Prison Abolition Debate*
- FINAL EXAM Due Friday, April 29**

Finals Week: Concentrate on other things, we're done!

Articles Cited in Schedule:

Boardman, J. D., et al. (2014). Genes in the dopaminergic system and delinquent behaviors across the life course: The role of social controls and risks. *Criminal Justice & Behavior*, 41(6), 713-731.

Brayne, S. (2014). Surveillance and system avoidance: Criminal justice contact and institutional attachment. *American Sociological Review*, 1-25.

Bureau of Justice Statistics. (2014). Prisoners in 2013. *U.S. Department of Justice: Office of Justice Programs*.

Cowen, N. (2010). Comparisons of crime in OECD countries. *Civitas Crime*, online.

Feeley, M. M., & Simon, J. (1992) The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology*, 30, 449-474.

Garland, D. (2005). Capital punishment and American culture. *Punishment and Society*, 7(4), 347-376.

Gaskins, S. (2004). "Women of circumstance" - The effects of mandatory minimum sentencing on women minimally involved in drug crimes. *American Criminal Law Review*, 41(4), 1533-1553.

Goff et al. (2013). Crossing the line of legitimacy: The impact of cross-deputization policy on crime reporting. *Psychology, Public Policy, & Law*, 19(2), 250-258.

Hannah-Moffat, K., & Yule, C. (2011). Gaining insight, changing attitudes and managing 'risk': Parole release decisions for women convicted of violent crimes. *Punishment & Society*, 13(2), 149-175.

Kennedy, J. E. (2002). Monstrous offenders and the search for solidarity through modern punishment. *Hastings Law Journal*, 51, 829-980.

Larson, D. (2013). Why Scandinavian prisons are superior. *The Atlantic*, online: <http://www.theatlantic.com/international/archive/2013/09/why-scandinavian-prisons-are-superior/279949/>

Matthews, R. (2005). The myth of punitiveness. *Theoretical Criminology*, 9(2), 174-201.

Mauer, M. (2013). The changing racial dynamics of women's incarceration. *The Sentencing Project*, online.

Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108(5), 937-975.

Pettit, B., & Western, B. (2004). Mass incarceration and the life course: Race and class inequality in U.S. incarceration. *American Sociological Review*, 69, 151-169.

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36(4), 763-798.

Tonry, M. (1999). Why are U.S. incarceration rates so high? *Crime and Delinquency*, 45(4), 419-437.

Wacquant, L. (2001). The penalisation of poverty and the rise of Neo-Liberalism. *European Journal on Criminal Policy and Research*, 9, 401-412.

Ward, K. et al. (2011). Incarceration within American and Nordic prisons: Comparison of National and International Policies. *ENGAGE*, 1-6.

Watts, S. J., & McNulty, T. L. (2015). Delinquent peers and offending: Integrating social learning and biosocial theory. *Youth Violence & Juvenile Justice*, 13(2), 190-206.

Wright, J. P., & Boisvert, D. (2009). *Criminal Justice & Behavior*, 36(11), 1228-1240.