

PUNISHMENT, CULTURE & SOCIETY

Legal Studies 160.2 | Fall 2021
University of California, Berkeley
Lecture: Tu Th 12:30-2:00pm PST
Location: Physics Building 2

Instructor

Dr. Kristin M. Sangren
ksangren@berkeley.edu

Office Hours: Wednesdays 12-2pm or by appointment

Signup: [Calendly](#)

GSI

Nandina Babic

nandinababic@berkeley.edu

Office Hours: Thursdays 9-11am or by appointment

Location: <https://berkeley.zoom.us/j/6409683813>

Sections:

201 (Mondays 2-3pm)

203 (Wednesdays 3-4pm)

Yen-Tung Lin

ytl@berkeley.edu

Office Hours: Tuesdays & Thursdays 2-2:30pm

Location: Zoom Meeting ID 965 2960 6668

Sections:

202 (Tuesdays 4-5pm)

204 (Thursdays 5-6pm)

COURSE INFORMATION

In this course, we explore the many ways that punishment, broadly conceived, articulates with social and cultural configurations. We view punishment in historical context, from the perspective of its social and cultural causes and effects. What do different institutions, understandings, forms, justifications, and significance of punishment tell us about human societies and cultures? How do modes of punishment shape extant social and cultural institutions, forms, meanings, and experiences? We begin by examining some formative theoretical perspectives on the question “Why we punish”—What social functions does punishment serve? What does punishment in a particular historical and cultural context tell us about that society? Next, we explore the variety of forms that punishment takes, focusing in particular on the dominant penal paradigms in the United States. We consider the historical development of the prison, examine modes of punishment in prisons, and investigate the phenomenon of “mass incarceration.” We then examine various forms of punishment in the United States beyond the prison—how social institutions such as policing, poverty, gender, and disease become recruited in a broader logic of punishment. Next, we investigate how punishment marks (and is used to contest) the boundaries of State sovereignty in our increasingly globalized world. Throughout the course, we will interrogate how punishment reflects, constitutes, delineates, frustrates, or enables broader social institutions and processes. Although the course focuses on institutions and practices that form the basis of punishment in the modern industrialized West, we draw also on comparative cases from throughout history and around the world to think about the broader role that punishment plays in the constitution of culture and society.

JUMP TO:

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GRADE BREAKDOWN

<u>High-Quality Engagement (HOE)</u>	<u>20%</u>
• LecturePod and in-class participation	
• Perusall annotations	
• Misc. (discussion threads, office hours, Piazza, etc.)	
<u>Reading quizzes (every lecture)</u>	<u>10%</u>
<u>Critical Reading Memos (CRMs) (4)</u>	<u>30%</u>
• 7.5% per CRM	
<u>Exams (2)</u>	<u>20% each</u>

IMPORTANT DATES/DEADLINES

- Fridays, 11:59pm PST—CRM submission deadline
- Fridays, 11:59pm PST—HQE weekly cutoff
- Wednesday, September 15th—Add/Drop deadline
- Thursday, October 7th, 12:40-2pm PST—Midterm exam (in-class)
- Wednesday, October 29th—Grade option change deadline

- Friday, December 17th, 8-11am PST—Final exam

LOGISTICS & EXPECTATIONS

Course structure:

Lectures are scheduled to meet on Tuesdays and Thursdays from 3:40-5:00pm. During class, we will use a combination of lecture (where I explain things to you,) discussion (where you work out your own ideas in conversation with your classmates,) and Q&A (where I answer your questions.) Additionally, you will have a weekly hour-long discussion section, the structure of which is at the discretion of your individual GSI.

Readings:

You are required to read the assigned readings *before* each class, and to participate actively in the discussion of them. All readings will be available in the Modules tab on bCourses. You are not required to purchase any books or additional materials for this class. There are approximately 75-100 pages of reading assigned per week. ***It is imperative that you keep up with the reading if you want to succeed in this class!***

It is highly recommended that you annotate and/or take detailed notes on the readings. These notes will streamline your preparation for exams, provide a quick-reference for reading quizzes, and improve your efficiency in preparing CRMs. If you consult the teaching team for advice on how to improve your performance or grade, the first thing we will do is ask to see your reading notes.

Perusall annotations:

Perusall is a group-annotation app that allows you to make in-line annotations on PDFs, as well as respond to your classmates' annotations. All readings on bCourses will be Perusall enabled. Active Perusall engagement will contribute to your High-Quality Engagement assessment. We highly recommend that you submit annotations *before* the class in which that reading is scheduled to be discussed. Annotations will be accepted until Fridays before midnight.

If you are uncomfortable speaking up in class, Perusall is a great option to demonstrate engagement.

LecturePods and in-class discussion:

In order for us to have productive discussions, it is imperative that you come to class prepared and ready to participate in thoughtful and respectful discussion. Successful participation correlates with quality, rather than with quantity of comments. In class we will refer directly to portions of the text, so please remember to ***have your copy of the readings accessible during class!***

You will be assigned a LecturePod at the beginning of the semester. This group will consist of ~5 students (your 'PodMates'), and you will be broken-out into your Pods during the latter part of lecture sessions for small-group discussions and activities. Most of these activities will require you to produce a deliverable or record of your discussion ('PodDoc') that will be reviewed and factored into your HQE assessment.

Logistics regarding the administration of LecturePods will likely change throughout the semester responsive to institutional and government guidelines with respect to the ongoing pandemic. To begin, we will be permitting groups to convene their discussions outdoors. If this arrangement is untenable for you, for example you have mobility issues that prevent you from easily relocating from the lecture hall, please be sure to indicate this in the student introduction survey and we will do our best to accommodate your requirements.

PodMates are mutually accountable—if you miss class, you should reach out to your PodMates to inquire about missed materials. I strongly encourage you to leverage your LecturePod for group study, collaborative research, and general community. At the end of the course, you will conduct peer assessments of your own and your PodMates' engagement during synchronous LecturePod activities. These assessments will be factored into your overall HQE grade.

Please keep in mind that the course may touch on sensitive, controversial, or personal topics. It is critical that we respect one another's thoughts and experiences, and address comments to the ideas and arguments, not to the person. Discussions should be productive, scholarly, respectful, and appropriate. Discriminatory, inflammatory, or disruptive behavior will not be tolerated. If you feel that these expectations are not being met, please consult with your instructor(s).

During lectures, I encourage you to use Piazza to respond to or raise questions about things I am covering. I will periodically check the Piazza Live Q&A during class and respond to your queries. Piazza engagement will be considered in your HQE assessment.

Reading Quizzes:

These 1-question quizzes will be available on bCourses from 12-6pm PST and every Tuesday and Thursday and will address content from the assigned readings for the day. Students will have three (3) minutes to complete the quiz. Your five (5) lowest quiz scores will be dropped. I will not re-open the quiz once it is closed, so be sure to complete your quiz on time!

Critical Reading Memos (CRMs):

These memos are a ~4-page synthesis and evaluation of two (2) of the readings for the week that the CRM is due (for greater detail and instructions, see the [CRM Guidelines](#).) There will be thirteen (13) weekly deadlines throughout the semester, and students must choose **FOUR (4)** deadlines at which to submit a CRM. It is your choice which deadlines to submit. You do not need to notify your GSI if you will be submitting in a given week, just upload your memo to bCourses by the deadline. You may submit up to five (5) CRMs for a grade—if you choose to do so, your lowest score will be dropped.

Memos are due on Fridays before midnight. You may either upload a file (Word or PDF,) or input your entry directly into the bCourses Assignment. Links to external websites (e.g., a Google doc) will *NOT* be accepted. It is your responsibility to ensure that your file is accessible to your GSI at the time of submission/in advance of the deadline. Absent an error on the part of the bCourses platform documented by Berkeley's Educational Technology Services, submissions not accessible to the instructors at the deadline will be marked late.

Late submissions will be accepted up to three days after the weekly deadline (Monday before midnight,) with a penalty of 3 points per day late.

Exams:

We will have one in-class midterm exam on Thursday, October 7. The final exam is scheduled to be held on Friday, December 17th at 8-11am. The format of the exams will be announced in advance. Make-up exams will not be available except in cases of documented extreme illness or University excused absence. Exams will be graded by your GSI. All exam grades are final unless your GSI has made a calculation error.

POLICIES

Questions & Communications:

I will communicate with you primarily through the bCourses platform, and it is your responsibility to keep abreast of any course announcements (so turn on your notifications!) Please notify me ASAP if you are unable to access the bCourses site.

If you have a question about the class, you **must** complete the following steps before emailing me:

- 1) Check the syllabus
- 2) Check bCourses>Modules>Course Toolbox
- 3) Check bCourses>Piazza

If you do not find the answer to your question using the above strategies:

- If your question is **NOT** of a personal matter specific to you—e.g., about the logistics or content of the class—post your question to Piazza in the relevant folder (readings, logistics, etc.) Someone from the teaching team will respond to your thread within 24 hours (M-F, 9am-6pm PST).
- If your question is of a personal matter—e.g., a question about your grade, requesting an extension, DSP-related matters, etc., email your GSI or me (Dr. Sangren.) I endeavor to respond to emails within 24 hours, but may take longer on weekends. I will not respond to emails received after 6pm until the following morning. Consult with your GSI about their email policy.
- If you do not receive a response to your email, it is likely that the information you need is available in one of the three steps listed above. Check again.

Recordings/Asynchronous Participation:

This course is **NOT** designed to accommodate asynchronous participation. I will not be making lecture recordings available online. Recording of lectures without a verified DSP accommodation or express permission from me is prohibited.

Late Work and Grading

Requests for extensions on assignments must be submitted to your GSI via email no less than six (6) hours before the scheduled deadline.

All assigned grades are final, absent a calculation error on the teaching team's part. I do not round final grades, though I reserve the right to make minor adjustments to grades to ensure equity across sections and GSIs. It would be unethical and against University policy for me to grant special dispensations for individual students (for example, rounding a grade or giving extra credit) without giving the same opportunity to every student in the class, and it would be inappropriate for you to ask.

Face coverings:

In accordance with the [University's policy on masks](#), "face coverings must be worn over the mouth and nose – regardless of vaccination status – in all indoor public settings." While the mask mandate is active, you are required to wear a mask that covers your mouth and nose at all times while in the classroom. If you are unable to purchase a mask, the college has [masks available at the ASUC Student Union](#). If you are unable to wear a mask due to a health condition, please contact [Disability Services](#). Exceptions to the mask mandate will not be made without a documented accommodation request from DSP.

Failure to comply with this guidance will result in a warning. After your third warning, you will be asked to leave class in the interest of protecting the health and safety of those in the classroom. You will be responsible for any missed material, and will not be permitted to make up missed reading quizzes.

COVID-19 accommodations:

In accordance with [CDC guidance](#), community members who have tested positive for COVID-19 must isolate for ten (10) days after their positive result. Community members who are not fully vaccinated and have been in close contact with someone who has tested positive must quarantine for fourteen (14) days. Additional guidance on quarantine and isolation can be found at the [Alameda County DPH website](#) and the [UC Berkeley Coronavirus website](#).

Per this guidance, if you are or should be in isolation or quarantine, **do not come to class**. Promptly inform the teaching team of your circumstances, and we will make arrangements to ensure that you don't fall behind.

Disability-related accommodations:

If you need disability-related accommodations in this class, you must arrange to meet with your GSI during the first week of class to discuss your requirements. Students with an accommodation allowing for extensions on take-home assignments must notify their GSI in advance of each instance in which they intend to use their accommodation before the specified deadline. Extensions are not available for High-quality Engagement (e.g., Perusall annotations.)

Please remember that accommodations and extensions are meant to specifically address the impact of a student's disability on their ability to fully participate or to complete an assignment by the deadline provided to students who do not share the student's disability identity. They are not meant to accommodate for circumstances that are not directly related to the student's documented disability (e.g., family commitments, work conflicts, etc.) It is unethical to request accommodations for circumstances unrelated to a documented disability.

Statement on Copyright and Recording:

Materials in this course—unless otherwise indicated—are protected by United States copyright law [Title 17, U.S. Code]. Materials are presented in an educational context for personal use and study and should not be shared, distributed, or sold in print—or digitally—outside the course without permission.

Video and audio recording of lectures and sections without my and all of your fellow students' consent is prohibited. You may not reuse or circulate or post to websites (e.g., Course Hero, Quizlet, etc.) any recorded lectures, slides, or other course resources authored by the teaching team without my permission. This includes screenshots of course materials and/or participants, unauthorized recording of lectures, presentations, or discussions.

Academic Integrity and Misconduct:

UC Berkeley's [Honor Code](#) states "As a member of the UC Berkeley community, I act with honesty, integrity, and respect for others."

The University defines academic misconduct as “any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community” ([UC Berkeley Code of Student Conduct](#)). Incidents of misconduct will be handled in accordance with the policies and procedures prescribed by the [Center for Student Conduct](#).

You are expected in this class to uphold the honor code commitment to academic integrity and ethics.

Honesty, integrity, and ethical behavior are of great importance in all facets of life. They are so important that it is generally assumed that one has learned and internalized these qualities at an early age. As a result, these issues rarely get explicitly addressed by the time one gets to be a university student. However, it cannot be overstated just how important honesty is to the academic enterprise. If you are struggling in this class, it is imperative that you communicate these challenges *early* and *honestly* to your instructors.

You must be original in composing the writing assignments in this class. To copy text or ideas from another source (including your own previously or concurrently submitted coursework) without appropriate reference is plagiarism and will result in a zero (0) for your assignment and usually further disciplinary action. Likewise, the use of automated summarizing, paraphrasing, or translation software or apps without appropriate attribution is prohibited.

I report *all* instances of academic dishonesty.

For additional information on plagiarism, self-plagiarism, and how to avoid it, see, for example: <http://www.lib.berkeley.edu/instruct/guides/citations.html#Plagiarism>

Finally, you should keep in mind that as a member of the campus community, you are expected to demonstrate integrity in all of your academic endeavors and will be evaluated on your own merits. The consequences of plagiarism, cheating, and academic dishonesty of any type—including a formal discipline file, possible loss of future internship, scholarship, or employment opportunities, and denial of admission to graduate school—are simply not worth it.

Territory Acknowledgement:

The buildings of UC Berkeley sit on the territory of Huichin, the ancestral and unceded land of the Chochenyo [Ohlone](#), the successors of the historic and sovereign Verona Band of Alameda County. This land was and continues to be of great importance to the Ohlone people. We recognize that every member of the Berkeley community has, and continues to benefit from the use and occupation of this land, since the institution's founding in 1868. Consistent with our values of community and diversity, we have a responsibility to acknowledge and make visible the university's relationship to Native peoples. By offering this Land Acknowledgement, we affirm Indigenous sovereignty and will work to hold University of California Berkeley more accountable to the needs of American Indian and Indigenous peoples (Statement adapted from the [Native American Studies library](#) website.)

Any matter not explicitly covered by this syllabus or institution-wide policy is left to my sole discretion as the instructor.

COURSE SCHEDULE

Week 1: Introduction

Thursday, August 26

Garland, David. 1990. Punishment and Modern Society. Chicago: University of Chicago Press, pp. 220-240.

Week 2: Foundational Theories

Tuesday, August 31

"Durkheim, Emile. 2013[1982]. Rules of the Sociological Method. Steven Lukes, ed. W.D. Halls, trans. Second Edition. London: Palgrave MacMillan, pp. 60-68

Durkheim, Emile. 1933 [1893]. The Division of Labor in Society. New York: The Free Press. [pp. 70-80, 85-89, 96-110]

Rusche & Kirchheimer. 2004[1939]. Punishment and Social Structure. New Brunswick: Transaction Publishers, chapter 6 (pp. 84-113)

Thursday, September 2

Foucault, Michel. 1977 [1975]. Discipline and Punish: The Birth of the Prison. New York: Vintage. pp. 3-31

Week 3: Prisons

Tuesday, September 7

Rubin, Ashley T. 2021. The Deviant Prison: Philadelphia's Eastern State Penitentiary and the Origins of America's Modern Penal System. Cambridge, UK: Cambridge University Press. Chap. 1 (pp. 5-31)

Thursday, September 9

Goffman, Erving. Asylums: Essays on the Social Situation of Mental Patients and Other Inmates. Chicago: Aldine Publishing Company, pp. 1-48, 66-74

Week 4: Solitary Confinement and Capital Punishment

Tuesday, September 14

Guenther, Lisa. 2013. Solitary Confinement: Social Death and its Afterlives. Minneapolis: University of Minnesota Press, xi-xxx, 65-99 (Intro and chapter 4)

Thursday, September 16

Abu-Jamal, Mumia. 1996. Live from Death Row. New York: Perennial, selections posted to bCourses

Conley, Robin. 2013. Living with the decision that someone will die: Linguistic distance and empathy in jurors' death penalty decisions. *Language and Society* 42(5), 503-526

[In class: *The Prison in 12 Landscapes*]

Week 5: Punishment and Civilization/Prisons in Global Perspective

Tuesday, September 21

Botsman, Daniel V. 2007. Punishment and Power in the Making of Modern Japan. Princeton: Princeton University Press, chap. 5 (pp. 115-140)(26 pages)

Thursday, September 23

Kelly Gillespie. 2008. "'Moralizing Security': 'Corrections' and the Post-Apartheid Prison. *Race/Ethnicity: Multidisciplinary Global Contexts* 2(1): 69-87

Reiter, Keramet, Lori Sexton, and Jennifer Sumner. 2017. Theoretical and empirical limits of Scandinavian Exceptionalism: Isolation and normalization in Danish prisons. *Punishment & Society* 20(1), 92-112

Week 6: Prisons in Global Perspective (cont.)/Mass Incarceration

Tuesday, September 28

Piacentini, Laura. 2004. Penal Identities in Russian Prison Colonies. *Punishment & Society* 6:131-147

Whyte, Martin King. 1973. Corrective Labor Camps in China. *Asian Survey* 13(3), 253-269.

Thursday, September 30

Wacquant, Loïc. 2009. Punishing the Poor: The Neoliberal Government of Social Insecurity. Durham: Duke University Press, chap 4

Week 7: Mass Incarceration (cont.)

Tuesday, October 5

Pfaff, John. 2017. Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform. Philadelphia: Basic Books, chaps. 4-5 (pp. 105-160)

Thursday, October 7

MIDTERM EXAM

Week 8: Pre-trial Punishment and Post-incarceration

Tuesday, October 12

Beckett, Katherine and Alexes Harris. On cash and Conviction: Monetary Sanctions as Misguided Policy. *Criminology & Public Policy* 10(3): 509-529

Issa Kohler-Hausmann. 2013. Misdemeanor Justice: Control without Conviction. *American Journal of Sociology* 119(2): 351-393

Thursday, October 14

Pager, Devah (2003) The Mark of a Criminal Record. *American Journal of Sociology* 108(5) [pp. 937-948, 955-962.].

Phillips, Anthony Jamal and Natalie Deckard. 2016. Felon Disenfranchisement Laws and the Feedback Loop of Political Exclusion: the Case of Florida. *Journal of African American Studies* 20, 1-18.

Week 9: Policing

Tuesday, October 19

Ralph, Laurence. 2020. *The Torture Letters: Reckoning with Police Violence*. Chicago: University of Chicago Press, intro, chap. 1 [pp. ix-56]

Thursday, October 21

Ralph, chap 4 [pp. 143-178]

Week 10: Punishing Poverty

Tuesday, October 26

Beckett, Katherine and Steve Herbert. 2010. *Banished: The New Social Control in Urban America*. Intro, chaps 1-2 and 5 [pp. 3-62, Recommended: 103-140]

Thursday, October 28

Herring, Chris, Dilara Yarbrough and Lisa Marie Alatore. 2020. Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness. *Social Problems* 67(1), 131-149

Week 11: Punishing Reproductive Capacity

Tuesday, November 2

Goodwin, Michele. 2020. *Policing the Womb: Invisible Women and the Criminalization of Motherhood*. Cambridge: Cambridge University Press, chap. 3, 8

Thursday, November 4

Haney, Lynne. 2013. "Motherhood as Punishment: The Case of Parenting in Prison." *Signs* 39(1): 105-130.

[In class: *Personhood: Policing Pregnant Women in America*]

Week 12: Punishing Disease

Tuesday, November 9

Hoppe, Trevor. 2017. Punishing Disease: HIV and the Criminalization of Sickness. Berkeley: University of California Press. Selections TBA

Thursday, November 11

NO CLASS (Veteran's Day)

Week 13: Punishing Disease (cont.)/Punishment and the Border

Tuesday, November 16

Hoppe, Trevor. 2017. Punishing Disease: HIV and the Criminalization of Sickness. Berkeley: University of California Press. Selections TBA

Thursday, November 18

De León, Jason. 2015. The Land of Open Graves: Living and Dying on the Migrant Trail. Berkeley: University of California Press, Part 1 (pp. 21-61)

Week 14: Punishment and the Border (cont.)

Tuesday, November 23

De León, Jason. 2015. The Land of Open Graves: Living and Dying on the Migrant Trail. Berkeley: University of California Press, chap 3 (pp. 62-87)

Thursday, November 25

NO CLASS [Thanksgiving]

Week 15:

Final topic to be recommended/voted on by the class.