

PUNISHMENT, CULTURE & SOCIETY

Legal Studies 160 | Spring 2022
University of California, Berkeley
Lecture: MWF 8-9am PST
Location: Barker 101

Instructor

Dr. Kristin M. Sangren

ksangren@berkeley.edu

Office Hours: Tuesdays 12-2pm or by appointment

Signup: [Calendly](#)

GSI

Sections 101 (M 11am-12pm) & 102 (T 9-10am)

Nandina Babic

nandinababic@berkeley.edu

Sections 103 (W 12-1pm) & 104 (Th 1-2pm)

Sarah Kang

sarah_kang@berkeley.edu

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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COURSE SCHEDULE

GRADE BREAKDOWN

- High-Quality Engagement (HQE) 20%
 - LecturePod participation
 - Perusall annotations
 - Misc. (in-lecture/section participation, office hours, Piazza, etc.)
- Reading quizzes (5) 10%
- Critical Reading Memos (CRMs) (4) 30%
- Midterm exam 15%
- Final exam 25%

IMPORTANT DATES/DEADLINES

- Fridays, 11:59pm PST—CRM submission deadline
- Fridays, 11:59pm PST—HQE weekly cutoff
- Wednesday, February 9th—Add/Drop deadline
- Friday, March 11th—Midterm exam (in-class)
- Wednesday, March 30th—Grade option change deadline
- Monday, May 9th, 8-11am PST—Final exam

LOGISTICS & EXPECTATIONS

Course structure:

Lectures are scheduled to meet on Mondays, Wednesdays, and Fridays from 8-9am PST. 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 on average 70 pages of weekly assigned reading. **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 and respond to your classmates' annotations. All readings on bCourses will be Perusall enabled. Active Perusall engagement will contribute to your High-Quality Engagement assessment. You must regularly complete a minimum of three (3) high-quality annotations per assigned reading before the lecture in which they are discussed in order to qualify for an A for your final HQE grade. Annotations will be accepted for HQE consideration until Fridays before midnight.

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. In class we will refer directly to portions of the text, so please remember to **have your copy of the readings accessible during class!**

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).

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 lecture sessions for small-group discussions and activities. You will record and submit PodMate participation on your 'PodDoc' (to be explained in lecture). Your PodDoc is assessed based on completion, NOT on accuracy/correctness.

Logistics regarding the administration of LecturePods will likely change throughout the semester responsive to institutional and government guidelines with respect to the ongoing pandemic.

PodMates are mutually accountable—if you miss class, you should reach out to your PodMates to inquire about missed material. You are encouraged to leverage your LecturePod for group study, collaborative research, and general community. You will conduct peer assessments of your own and your PodMates' engagement during synchronous LecturePod activities twice during the semester. These assessments will be factored into your final HQE grade.

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 and respond to your queries. Piazza engagement will be considered in your HQE grade.

Reading Quizzes:

There will be 6 reading quizzes administered throughout the semester. Quizzes will be administered in lecture, and will pertain to the assigned readings since the previous quiz. **Missed quizzes can not be made up.** We will drop lowest quiz score (including missed quizzes) when calculating your final grade.

Critical Reading Memos (CRMs):

These memos are a 4-5 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 you must choose **FOUR (4)** deadlines at which to submit a

CRM. It is your choice when 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 only), 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 correct 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 with a .5 point per hour (on the hour) penalty (e.g., CRM submitted Saturday 12:00am will receive a .5-point penalty; Saturday at 5:59 pm will receive a 9-point penalty, etc.), up to 50 hours after the regular deadline.

Additionally, each person will start the semester with 2 slip days, which permits you to submit a CRM 24 hours after the deadline without a late penalty.

- A slip day is 24 hours, any day, including weekends and holidays.
- You may allocate your slip days however you like (2x24 hour extensions on two CRMs, or 1x48 hour extension on a single CRM).
- Partial slip days are not allowed. In other words, it is not possible to use part of a slip day to push a deadline back by a few hours.
- You are responsible for tracking your slip day usage.
- Slip days are not transferable from one student to another.
- To use a slip day, submit your assignment after the deadline. Do not notify the instructor that you are using a slip day; just submit your CRM. The number of slip days you have used (if any) will be automatically applied when calculating your final CRM grade.

Students with DSP accommodations granting occasional extensions on take-home assignments for disability-related circumstances may be granted a 48-hour extension (Sunday 11:59pm). In order to receive an extension on a given CRM, upload your work-in-progress to bCourses and add a comment ([Web](#), [iOS](#), [Android](#)) stating "I have a DSP extension accommodation and am using my extension on this CRM." This work-in-progress will not be graded. Remember to upload your final CRM to the same submission link before the extension deadline. bCourses will mark the file "late," however assume that your extension will be granted.

CRMs will not be accepted beyond the above-stipulated submission windows. If you will be unable to submit a given CRM within the submission window, choose a different week to submit.

Exams:

We will have one in-class midterm exam on Friday, March 11th. The final exam is scheduled to be held on Monday, May 9th at 8-11am. The format of the exams will be announced in lecture. Make up exams will be permitted only in instances of [University sanctioned circumstances](#) or a documented emergency. Per Academic Senate guidelines, "It is the student's responsibility to inform the instructor (or designated GSI), in writing, before the end of the second week of term of all foreseeable conflicts between the syllabus [and sanctioned events] that would require absence from academic activities during the semester, as well as to provide a proposal for resolving these conflicts."

In the event of an emergency, you must email Prof. Sangren within 24 hours of the missed exam with

attached documentation verifying the emergency (from the doctor/ER, dean of students, police report, etc. If COVID-19 infection is suspected, documentation of an exposure notification or scheduled test appointment is sufficient.) If your email is not received within 24 hours, you forfeit your right to make up an exam. All makeup exams will be administered during the University final exam period (May 9-13) at a designated time of Prof. Sangren's choosing.

POLICIES

Questions & Communications:

You are responsible for all information contained in course announcements posted to bCourses (so [turn on your notifications!](#))

If you have a question about the class, you **MUST** complete the following steps before emailing the teaching team:

- 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., you have a question 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).
 - Direct messages must be sent to my email (ksangren@berkeley.edu) from an @berkeley.edu email address. I do not read or respond to messages sent via the bCourses messaging system.
 - **Your e-mail must contain the course number in the subject line** (e.g., **Subject: [LS 160] Question about the midterm**).
 - I endeavor to respond to emails received during the week within 24 hours. I will not respond to emails received after 6pm until the following morning. You should not expect a response to an email received after 6pm Friday until the following Monday.
 - 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.

Course Format (Remote/Recording/Asynchronous Participation):

This course does **NOT** accommodate asynchronous participation. I will not be making lecture recordings available online without a university-sanctioned accommodation or documented COVID-related circumstance (exposure notification or scheduled test appointment). Recording of lectures without a verified DSP accommodation or express permission from me is prohibited.

This course is currently scheduled for synchronous in-person instruction. It is possible the course will transition temporarily or permanently responsive to University and/or government guidelines. In the event that institutional guidance prescribes transitioning online, the course will convert to synchronous remote. Unless this occurs, in line with [University guidance](#), you are expected to be on campus and attend class in person. There is no option to engage in the course in a remote or hybrid format while the University is

in-person.

Grading

Final grades will be assessed based on the following grade cutoffs:

A 94 | **A-** 91 | **B+** 87 | **B** 83 | **B-** 80 | **C+** 77 | **C** 73 | **C-** 70 | **D** 60 | **F** <60

If you wish to appeal a grade on a CRM or exam, you must send an email to Prof. Sangren (follow the communications policy above) no less than 48 hours and no more than 7 days after grades for the assignment are released. Appeals received outside of the appeal window will not receive consideration. In your email, address the grader feedback that you are contesting in specific detail, point by point. If a re-grade is granted, your **full** assignment/exam will be re-graded by Prof. Sangren. Note that a re-grade may be lower than the original grade assessment. All re-grades are final.

I do not round final grades, though I may make minor adjustments to ensure equity across sections and graders. 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 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 second 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:

While class is in-person, our classroom policy follows [university guidelines](#) with respect to COVID-19. 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. See [section on CRMs](#) above for information about accommodation-related extensions for that assignment. Information about quiz and exam accommodations will be sent directly to you. Extensions are not available for High-quality Engagement.

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.

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 classmates' consent is prohibited. You may not reuse or circulate or post to websites (e.g., Course Hero, Quizlet, etc.) any recorded lectures, slides, exams, or other course resources authored by the teaching team without Prof. Sangren's 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.

ALL WRITING ASSIGNMENTS IN THIS CLASS MUST BE ORIGINALLY COMPOSED. To copy text or ideas from another source (including your own previously or concurrently submitted coursework) without permission and/or appropriate reference is unacceptable and will result in a zero (0) for your assignment and usually further disciplinary action. The use of automated summarizing, paraphrasing, or translation software or apps without appropriate attribution is prohibited.

I report **all** instances of academic dishonesty.

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	Day	Date	#	Topic	Reading title	Reading authors	
1	W	1/19	1	Introductions	Course Prep Module		
1	F	1/21	2	Classics	2013[1982]. Rules of the Sociological Method. Steven Lukes, ed. W.D. Halls, trans. Second Edition. London: Palgrave MacMillan, pp. 60-68 1933 [1893]. The Division of Labor in Society. New York: The Free Press. [pp. 70-80, 85-89, 96-110]	Durkheim, Émile	
2	M	1/24	3		2004[1939]. Punishment and Social Structure. New Brunswick: Transaction Publishers, chapter 6 (pp. 84-113)	Rusche, Georg & Otto Kirchheimer	
2	W	1/26	4		1977 [1975]. Discipline and Punish: The Birth of the Prison. New York: Vintage. Chap 1 (The Body of the Condemned)	Foucault, Michel	
2	F	1/28	5				
3	M	1/31	6	Prisons	1977 [1975]. Discipline and Punish: The Birth of the Prison. New York: Vintage. Chap 7 (Panopticism)	Foucault, Michel	
3	W	2/2	7		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)	Rubin, Ashley T.	
3	F	2/4	8				
4	M	2/7	9		1961. Asylums: Essays on the Social Situation of Mental Patients and Other Inmates. Chicago: Aldine Publishing Company, pp. 1-48, 66-74	Goffman, Erving	
4	W	2/9	10		2004. Total Confinement: Madness and Reason in the Maximum Security Prison. Berkeley: University of California Press, chap. 2 (pp. 61-95)	Rhodes, Lorna	
4	F	2/11	11				
5	M	2/14	12	Solitary Confinement	2013. Solitary Confinement: Social Death and its Afterlives. Minneapolis: University of Minnesota Press, chapter 4 (pp. 65-99)	Guenther, Lisa	
5	W	2/16	13		2013. Solitary Confinement: Social Death and its Afterlives. Minneapolis: University of Minnesota Press, chapter 7 (pp. 161-194)	Guenther, Lisa	
5	F	2/18	14				
6	M	2/21	HOLIDAY				
6	W	2/23	15	Capital Punishment	1996. Live from Death Row. New York: Perennial, selections posted to bCourses 2021. Let the Lord Sort Them: The Rise and Fall of the Death Penalty. New York: Crown. Prologue.	Abu-Jamal, Mumia Chammah, Maurice	
6	F	2/25	16		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	Conley, Robin	

7	M	2/28	17	Prisons in Global Perspective	2008. "'Moralizing Security: 'Corrections' and the Post-Apartheid Prison. Race/Ethnicity: Multidisciplinary Global Contexts 2(1): 69-87 2019. 'Thoroughly reforming them towards a healthy heart attitude': China's political re-education campaign in Xinjiang. Central Asian Survey 39(1): 102-128	Gillespie, Kelly Zenz, Adrian
7	W	3/2	18		2012. 'A critical look at Scandinavian exceptionalism: welfare state theories, populism and prison conditions in Denmark and Scandinavia', in: T. Ugelvik and J. Dullum (Eds.), Penal Exceptionalism? Nordic Prison Policy and Practice, London: Routledge.	Scharff Smith, P.
7	F	3/4	19	Mass Incarceration	2009. Punishing the Poor: The Neoliberal Government of Social Insecurity. Durham: Duke University Press, chap 4, 6 (pp. 113-150, 198-208)	Wacquant, Loïc
8	M	3/7			1928. The Negro Criminal: A Statistical Note. The Annals of the American Academy of Political and Social Science, 140(1), 52-64.	Sellin, Thorsten
8	W	3/9	20		2017. Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform (Selections posted to bCourses)	Pfaff, John.
8	F	3/11	21	MIDTERM		
9	M	3/14	22	Punishment Beyond the Prison	2011. On cash and Conviction: Monetary Sanctions as Misguided Policy. Criminology & Public Policy 10(3): 509-529	Beckett, Katherine and Alexis Harris
9	W	3/16	23		2013. Misdemeanor Justice: Control without Conviction. American Journal of Sociology 119(2): 351-393	Kohler-Hausmann, Issa
9	F	3/18	24		2003. The Mark of a Criminal Record. American Journal of Sociology 108(5) (selections posted to bCourses)	Pager, Devah
10	M	3/28	HOLIDAY			
10	W	3/30	HOLIDAY			
10	F	4/1	HOLIDAY			
11	M	3/28	25	Policing	2020. The Torture Letters: Reckoning with Police Violence. Chicago: University of Chicago Press, intro, chap. 1 [pp. ix-56]	Ralph, Laurence
11	W	3/30	26		2020. The Torture Letters: Reckoning with Police Violence. Chicago: University of Chicago Press, intro, chap 4 [pp. 143-178]	Ralph, Laurence
11	F	4/1	27			
12	M	4/4	28	Punishing Poverty	1997. The Annihilation of Space by Law: The Roots and Implications of Anti-Homeless Laws in the United States. Antipode 29(3): 303-335	Mitchell, Don
12	W	4/6	29		2021. Criminalizing Homelessness: Circumstances Surrounding Criminal Trespassing and People Experiencing Homelessness. Criminal Justice Policy Review: 1-21 2021. Complaint-Oriented "Services": Shelters as Tools for Criminalizing Homelessness. Annals of the American Academy of Political and Social Science 693(1): 264:283	Diamond, Brie, Ronald Burns and Kendra Bowen Herring, Chris

12	F	4/8	30			
13	M	4/11	31	Punishing Reproductive Capacity	2020. Policing the Womb: Invisible Women and the Criminalization of Motherhood. Cambridge: Cambridge University Press, chap. 3, 8	Goodwin, Michele
13	W	4/13	32		2013. "Motherhood as Punishment: The Case of Parenting in Prison." Signs 39(1): 105-130	Haney, Lynne
13	F	4/15	33			
14	M	4/18	34	Punishing Disease	2017. Punishing Disease: HIV and the Criminalization of Sickness. Berkeley: University of California Press, chap 1 (pp. 17-42)	Hoppe, Trevor
14	W	4/20	35		2017. Punishing Disease: HIV and the Criminalization of Sickness. Berkeley: University of California Press, chap 4-5 (pp. 101-157)	Hoppe, Trevor
14	F	4/22	36			
15	M	4/25	37	Punishment and the Border	2015. The Land of Open Graves: Living and Dying on the Migrant Trail. Berkeley: University of California Press, Part 1 (pp. 21-61)	De León, Jason
15	W	4/27	38		2015. The Land of Open Graves: Living and Dying on the Migrant Trail. Berkeley: University of California Press, chap 3 (pp. 62-87)	De León, Jason
15	F	4/29	39		Course wrap-up	