

PUNISHMENT, CULTURE & SOCIETY

Legal Studies 160 | Fall 2023
University of California, Berkeley
Lecture: TuTh 12:30-2pm PST
Location: Donner Lab 155

Instructor

Dr. Kristin M. Sangren
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Office Hours: Mondays 9-11am or by appointment
Signup: [Calendly](#)

GSI

Sections 101 (M 4-5pm) & 102 (T 2-3pm)
Yen-Tung Lin
ytl@berkeley.edu

Sections 103 (W 9-10am) & 104 (Th 8-9am)
Justine DeSilva
idesilva@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.

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COURSE SCHEDULE

GRADE BREAKDOWN

- High-Quality Engagement (HQE) 25%
 - ~50% LecturePod participation
 - ~50% Perusall annotations
 - Misc. (course playlist, homework, in-lecture/section participation, office hours, Ed Discussion, etc.)
- Critical Reading Memos (CRMs) (3) 15%
- Midterm exam 30%
- Final exam 30%

IMPORTANT DATES/DEADLINES

- Fridays, 11:59pm PST—HQE weekly cutoff
- Saturdays, 11:59pm PST—CRM submission deadline
- Tuesday, September 7th, 3pm—Homework 1 due
- Wednesday, September 13th—Add/Drop deadline
- Thursday, October 19th—Midterm exam (in-class)
- Friday, December 15th, 8-9:30am—Final exam

LOGISTICS & EXPECTATIONS

Course structure:

Lectures are scheduled to meet on Tuesdays and Thursdays from 12:30-2pm 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. You must regularly attend if you hope to succeed in this class.

Readings:

You are required to read the assigned readings *before* each lecture, 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. ***It is imperative that you keep up with the reading if you hope to succeed in this class!***

We highly recommend that you take detailed notes on the readings. These notes will streamline

your preparation for exams, provide a quick-reference for class discussions, 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 constitute approximately half of your High-Quality Engagement assessment. You are expected to complete a *minimum* of two (2) high-quality annotations per assigned reading **before** the lecture in which that reading is scheduled to be discussed in order to receive full credit. Annotations will be accepted for partial credit 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 inform the teaching team immediately.

You will be assigned a LecturePod at the end of week 2. This group will consist of ~5 students (your 'PodMates'), and you will be broken-out into your Pods during Tu/Th 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.

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 LecturePod activities twice during the semester. These assessments will be considered in your final HQE grade.

Homework:

There is one (1) homework assignment due before lecture on Thursday, September 7th (submit on bCourses). Completion of this assignment is necessary preparation for that day's in-class LecturePod, and credit for that day's LecturePod will be contingent on advanced completion of the homework.

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 eleven (11) weekly deadlines throughout the semester, and you must choose **THREE (3)** deadlines at which to submit a CRM. You will sign up for your CRM weeks during your first discussion sections. You may submit up to four (4) CRMs for a grade—if you choose to do so, your lowest score will be dropped.

Memos are due on Saturdays 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 2 point per hour (on the hour) penalty, up to 15 hours after the regular deadline.

Students with DSP accommodations granting occasional extensions on take-home assignments for disability-related circumstances may be granted a 24-hour extension (Sunday 11:59pm). You must submit your memo on the appropriate bCourses assignment before the extension deadline with a comment indicating that you are using your DSP accommodation.

Additionally, each person will start the semester with 1 slip day, 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.
- 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.
- To use a slip day, submit your assignment after the deadline with a bCourses comment indicating you are using your slip day.

CRMs will not be accepted beyond the above-stipulated submission windows. ***There will be no additional extensions for CRMs.*** If you will be unable to submit a given CRM within the submission window, request to submit in a different week. If you sign up for a week 15 CRM, I strongly recommend reserving your slip day in case an emergency arises.

Exams:

We will have one in-class midterm exam on Thursday, October 19. The final exam is scheduled to be held on Friday, December 15th from 8-9:30am PST. 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.

In the event of an emergency, you must email Dr. 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 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 (December 11-15) at a designated time of the instructor'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>Ed Discussion

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 Ed Discussion 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, 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 184] Question about my grade).
 - 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 at the earliest. 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 is an in-person course. In line with [University guidance](#), you are expected to be on campus and attend class in person unless University policy recommends otherwise. This course does **NOT** accommodate asynchronous, remote, or hybrid participation while the University and/or the class is in-person. I will not be making lecture recordings available online. Recording of lectures without a verified DSP accommodation or express permission from me is prohibited.

Grading

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

A 93 | A- 90 | B+ 87 | B 83 | B- 80 | C+ 77 | C 73 | C- 70 | D 60 | F <60

Your CRMs and exams will be graded by your GSI, who will apply a coursewide grading rubric. If you wish to appeal a grade on a CRM or exam, you must send an email to Dr. 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. If a re-grade is granted, your **full** assignment/exam will be re-graded by Dr. Sangren. Note that a re-grade may be lower than the original grade assessment. All re-grades are final.

I do not round or bump 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, giving extra credit, or granting an extension) without giving the same opportunity to every student in the class, and it would be inappropriate for you to ask.

Disability-related accommodations:

If you need disability-related accommodations in this class, 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. Exams will be administered by DSP proctoring services—[schedule your midterm and final](#) **immediately** if you plan to remain enrolled in the class.

Extensions are not available for high-quality engagement.

Statement on Course Content and Topics

Some of the readings, lectures, films, presentations, and discussions in this course may include material that is upsetting or conflicts with the core beliefs of some students enrolled in the course. Please review the syllabus carefully to confirm that you will be able to meet the core requirements of this course, and that this is a course you are committed to taking. If you have a concern, please discuss it with Prof. Sangren immediately.

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 any websites 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 attribution is unacceptable and will result in a zero (0) for your assignment and usually further disciplinary action. The use of automated summarizing, paraphrasing, AI chatbot, or translation software or apps without appropriate attribution is prohibited.

I report *all* instances of academic dishonesty.

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: Course Introduction

Thursday, August 24

Rubin, Ashley T. Guide to Reading Non-Textbook Texts. From: <https://ashleytrubin.com/resources/>.

Sangren, Kristin. 2019. Reading in the Social Sciences and Humanities.

Perusall annotations for this week's readings are due on Sunday, August 27th before 11:59pm.

Week 2: Consensus

Tuesday, August 29

Durkheim, Emile. 1973 [1899]. Two Laws of Penal Evolution. *Economy and Society* 2(3), 285-308.

Thursday, August 31

Le Guin, Ursula. 1975. The Ones Who Walk Away from Omelas. *The Wind in Twelve Quarters*. New York: Harper & Row.

Bentham, Jeremy. 1789. The Utilitarian Theory of Punishment. *An Introduction to the Principles of Morals and Legislation*.

Week 3: Political Economy

Tuesday, September 5

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

Thursday, September 7

Wacquant, Loic. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham: Duke University Press, chap 2 (pp. 41-75)

Perusall annotations are welcome but not required for these two readings!

HOMEWORK: Complete reading notes in accordance with the Reading Notes Template (located at the end of the Rubin piece assigned in week 1) for the two pieces assigned for this week (Rusche & Kirchheimer and Wacquant). Upload these notes to bCourses by **12pm on THURSDAY, SEPTEMBER 7th**. Make sure you have these notes available for in-class LecturePod discussion.

Late submissions will not be accepted under any circumstances. If you are unable to submit

your notes on time, consider doing extra Misc. HQE this week (e.g., class playlist entry, substantive discussion on EdDiscussion, etc.)

Week 4: Sovereignty and the Body

Tuesday, September 12

Foucault, Michel. 1977 [1975]. *The Body of the Condemned. Discipline and Punish: The Birth of the Prison*. New York: Vintage.

Recommended: Garland. 2011. *The Problem of the Body in Modern State Punishment, Social Research*, Vol. 78, No. 3, *The Body and the State: How the State Controls and Protects the Body*, Part II, pp. 767-798

Thursday, September 14

Foucault, Michel. 1977 [1975]. *Panopticism. Discipline and Punish: The Birth of the Prison*. New York: Vintage. Chap 7

Week 5: Prisons

Tuesday, September 19

Rubin, Ashley T. 2018. *Prison History. Oxford Research Encyclopedia: Criminology and Criminal Justice*.

Thursday, September 21

Goffman, Erving. 1961. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Chicago: Aldine Publishing Company, pp. 1-48, 66-74

Week 6&7: Forms of Death

Tuesday, September 26

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

Thursday, September 28

Guenther, Lisa. 2013. *Solitary Confinement: Social Death and its Afterlives*. Minneapolis: University of Minnesota Press, chapter 7 (pp. 161-194)

Tuesday, October 3

Lynch, Mona. 2002. *The disposal of inmate #85271: Notes on a routine execution. Studies in Law, Politics, and Society* 20, 3–34

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

Thursday, October 5

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

Week 8: Racialization

Tuesday, October 10

Garland, D. (2001b). Introduction: The meaning of mass imprisonment. *Punishment & Society* 3(1), 5–7

Alexander, Michelle. 2010. The New Jim Crow: Mass Incarceration in the Age of Colorblindness. New York: The New Press, pp.176-208.

Thursday, October 12

Wacquant, Loic. 2009. Punishing the Poor: The Neoliberal Government of Social Insecurity. Durham: Duke University Press, chap 6 (pp. 198-208)

Sellin, Thorston. 1928. The Negro Criminal: A Statistical Note. *The Annals of the American Academy of Political and Social Science*, 140(1), 52-64.

Week 9: Midterm Week

Tuesday, October 17

In class: The Prison in Twelve Landscapes [documentary] & review session

Thursday, October 19

Midterm Exam (in-class)

Week 10: The Prison as a Colonial Institution

Tuesday, October 24

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

Thursday, October 26

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

Week 11: Punishment Beyond the Prison

Tuesday, October 31

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

Thursday, November 2

Pager, Devah. 2003. The Mark of a Criminal Record. American Journal of Sociology 108(5) (selections posted to bCourses)

Week 12: Punishment and the Border

Tuesday, November 7

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)

Thursday, November 9

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)

Week 13: Punishing Poverty

Tuesday, November 14

Mitchell, Don. 1997. The Annihilation of Space by Law: The Roots and Implications of Anti-Homeless Laws in the United States. Antipode 29(3): 303-335

Thursday, November 16

Diamond, Brie, Ronald Burns and Kendra Bowen. 2021. Criminalizing Homelessness: Circumstances Surrounding Criminal Trespassing and People Experiencing Homelessness. Criminal Justice Policy Review: 1-21

Herring, Chris. 2021. Complaint-Oriented “Services”: Shelters as Tools for Criminalizing Homelessness. Annals of the American Academy of Political and Social Science 693(1): 264:283

Week 14: TBA

Tuesday, November 21

Week 15: Punishing Reproductive Capacity

Tuesday, November 28

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

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

Thursday, November 30

Course wrap-up (no additional required readings)