

# LS 160 *Punishment, Culture and Society* Spring 2019

Lecture Meetings: Monday & Wednesday 5:10-6:30 in 160 Kroeber Hall

Instructor: Richard Perry, J.D., Ph.D.

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Office hours: Mondays 3:30- 4:30 & Tuesdays 2:10-2:00 at Café Zeb & by appointment (please email in advance to reserve a time slot to avoid large crowds at the same time)

GSI: Brie McLemore, Off. Hours: Tuesday 4-5 and Wednesday 10-11:00 in Boalt 255

GSI: Ilya Akdemir, Off. Hours: Wednesdays, 12:00-14:00, in Boalt 259

**NOTE: Discussion Sections do not meet until Week II starting Monday Jan 28<sup>th</sup>.**

## *Course Description:*

A critical analysis of the cultural, political and economic dimensions of penal politics in contemporary American society, with particular reference to the relationships between criminal justice and social justice -- emphasis on issues of racial, economic, and gender inequality.

## *Course Overview:*

This course offers a historical overview of the evolution of theories of institutions of punishment since the 18<sup>th</sup> century and a critical reconstruction of some recent transformations of punishment in the United States.

Since the last quarter of the twentieth century, the U.S. penal system has been affected by what some scholars have called a “punitive turn”: rising incarceration rates, longer prison sentences, harsher drug laws, and increasingly punitive penal policies. As a consequence of this “tough on crime” approach, today more than 2.3 million individuals are detained in U.S. prisons and jails, while almost 5 million people are either on probation or parole. With almost 1% of its adult population currently behind bars, the U.S. features the largest prison population in the world, despite a constant decline in crime rates during the last two decades.

The current penal crisis is the result of two distinct wars that have been waged across American cities since the late 1970s: the “war on crime” and the “war on drugs”. The course offers a theoretically informed analysis of these changes in penal politics and explores the cultural, political, and economic dimensions of punishment, with particular reference to the impact of mass-incarceration on socioeconomic and racial inequalities in the U.S.

**This required text book is available both new and used at both of the two Campus Bookstores on Bancroft Way and also from Amazon.com; it can also be rented from the bookstores at a reduced cost; it is also available at a reduced price as an E-book from Sage Publishing or from Amazon.com:**

**Barry Krisberg, et al., 2018: *American Corrections: Concepts and Controversies*. 2<sup>nd</sup>. Ed. Sage Publishing.**

**All other Weekly Readings & Supplementary Materials Are Made Available in Week-by-Week Folders on bCourses. Note that the weekly folders on bCourses are sub-divided into “Required” and “Recommended” Readings, as well as “Review Materials”**

(which include lecture PowerPoints, video links, etc.). Note that “Recommended” means simply “recommended” – not required, but potentially useful for LS majors interested in penology.

Please note that any *punishment* course must necessarily touch on topics of human physical and psychological suffering. We will do everything possible to minimize distress as we critically discuss this course material.

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***Student Responsibilities:***

Attendance: Students are expected to attend all lectures and section meetings having already prepared any readings or assignments. Also, as noted below, in-class participation will count for 20% of the course grade.

A CAVEAT ON MISSED TESTS: If you should find that you must miss a test due to serious illness or other circumstance, you must email your GSI *before* the announced test period to notify her of your situation. The GSI will discuss your circumstances with the professor and an effort will be made to assist you. However, a student who misses a test and only contacts the GSI days after the testing date is not likely to be allowed to sit for a make-up test.

***University Regulations on Specific Scheduling Accommodations:***

DSP ACCOMMODATIONS: If you have specific needs due to documented disabilities we will make every effort to accommodate them, with assistance and guidance from the Disabled Students Office. For information on University policies regarding students with disabilities, and federal and state laws affecting people with disabilities, please go to:  
<http://access.berkeley.edu/>

Please convey your DSP Accommodation letter to your GSI early in the term to make necessary arrangements.

**ACCOMMODATION OF RELIGIOUS CREED**

In compliance with California Education code, Section 92640(a), it is the official policy of the University of California at Berkeley to permit any student to undergo a test or examination, without penalty, at a time when that activity would not violate the student's religious creed, unless administering the examination at an alternative time would impose an undue hardship that could not reasonably have been avoided. Requests to accommodate a student's religious creed by scheduling tests or examinations at alternative times should be submitted directly to the faculty member responsible for administering the examination by the first week of the term.

***Student Evaluation and Grading:***

<b>Two In-class Midterms</b>	<b>20% each = 40%</b>
<b>Five short written on-line assignments:</b>	<b>5% each = 25%</b>
<b>One Take-home Final Exam</b>	<b>25%</b>
<b>Participation</b>	<b>10%</b>
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<b>Overall course point total</b>	<b>100</b>

## Spring 2019 Schedule of Topics, Readings, Tests, Speakers

(TEST dates below will be more firmly fixed by January 30, after consultation with GSIs and students; the precise dates of readings may vary slightly according to course pacing, guest speakers' scheduling, etc.)

	MONDAY	WEDNESDAY	
WEEK 1	Jan. 21  <b>NO CLASS</b>  <b>NO SECTIONS MEET AT ALL DURING WEEK 1</b>	<b>Jan. 23<sup>rd</sup></b>  Introduction to the course: the instructors, the syllabus, textbook, the course website readings & sources;  <i>Eastern State Penitentiary</i> documentary	
WEEK 2	<b>Jan. 28</b>  Krisberg, et al, Ch. 1  <b>MANDATORY SECTION MEETINGS BEGIN IN WEEK 2, Mon. Jan. 22<sup>nd</sup></b>	<b>Jan. 30</b>  Ch. Two: A Historical Perspective on Punishment and Social Structure  <b>SECTION ATTENDANCE IS REQUIRED TO MAINTAIN ENROLLMENT IN CLASS</b>	
WEEK 3	<b>Feb. 4<sup>th</sup></b>  Ch. 2 continued: 18th c.; Blackstone to Beccaria (bCourses)  The “Classical School”: Beccaria/Bentham texts; the Enlightenment influence on US Constitution (bCourses).	<b>Feb. 6<sup>th</sup></b>  Ch. 2 continued: 19th c.  Benjamin Rush: The “Modern” Anti-Death Penalty -- Rehabilitative medical model response to Classical School deterrence (bCourses); Brockaway and the Elmira Reformatory	
WEEK 4	<b>Feb. 11<sup>th</sup></b>  J. Simon (2013) excerpt on John Howard, the “medical model”  Krisberg Ch. 3, intro.	<b>Feb. 13<sup>th</sup></b>  The Political Economy of the “Punitive Turn” in the U.S. Rusche & Kirchheimer “Punishment & Social Structure”; (bCourses)  Krisberg Ch. 3 continued	
WEEK 5	<b>Feb. 18<sup>th</sup></b>  <b>NO CLASS MEETING – PRESIDENT’S DAY HOLIDAY</b>	<b>Feb. 20<sup>th</sup></b>  Durkheim’s “The Normal and the Pathological” (bCourses) and “Two Laws of Penal Evolution” (1897) (bCourses); discuss the “leniency revolution” & the meaning of the death penalty’s persistence into 21st c. USA	

WEEK 6	<b>Feb. 25<sup>th</sup></b> Lombroso (1893) <i>Criminal Man; Criminal Woman</i> , biological criminology, race, profiling Positivist School (bCourses), bio-criminology, eugenics.	<b>Feb. 27<sup>th</sup></b> Foucault <i>Discipline and Punish: Birth of the Prison</i> (1977) <b>Review for Midterm I</b>	
WEEK 7	<b>March 4<sup>th</sup> Midterm Exam I (in-class)</b>	<b>March 6<sup>th</sup></b> Krisberg Ch.4 Jails; readings on (bCourses).	
WEEK 8	<b>March 11<sup>th</sup></b> Cousino <i>Concrete &amp; Sunshine</i> , documentary on California prisons, with Ruth Gilmore. Read Gilmore on bCourses	<b>March 13<sup>th</sup></b> Krisberg Ch. 6 Prisons; geography and architecture of prisons; Gilmore (2007) <i>Golden Gulag</i> (Sorkin, excerpts bCourses);	
WEEK 9	<b>March 18<sup>th</sup></b> Divergent Models of Prisons and Incarceration; Krisberg Ch. 5 Probation - Alternatives to Incarceration;	<b>March 20<sup>th</sup></b> Parole: Ch.7 Reentry & Parole: <b>Guest lecture (tentative)</b>	
WEEK 10	<b>March 25<sup>th</sup></b> <b>NO CLASS SPRING BREAK</b>	<b>March 29<sup>th</sup></b> <b>NO CLASS – SPRING BREAK</b>	
WEEK	<b>April 2<sup>nd</sup></b> Simon (2014) <i>Mass Incarceration on Trial</i> (excerpts bCourses).	<b>April 4<sup>th</sup></b> Consequences of Incarceration: Jim Crow and felon disenfranchisement Citizenship, Civil Death: Convict Lease & Peonage; Blackmon bCourses	
WEEK 11	<b>April 9<sup>th</sup></b> <b>Pre-Midterm Review.</b>	<b>April 11<sup>th</sup></b> <b>Midterm Exam II (in-class)</b>	
WEEK 12	<b>April 16<sup>th</sup></b> Privatized Incarceration (bCourses)	<b>April 18<sup>th</sup></b> . The New Penology and risk Assessment Technology (bCourses links)	
WEEK 13	<b>April 23<sup>rd</sup></b> The Punitive Turn: Ch.14 Death Row & Death Penalty, McCleskey v. Kemp (1987)	<b>April 25<sup>th</sup></b> Guest lecture: Christina Spaulding of California Public Defender Appellate ( <b>Tentative</b> )	

WEEK 14	<b>April 30<sup>th</sup></b> <i>Zimring (2003) American Capital Punishment, Chs.1-2; ,</i>	<b>May 2<sup>nd</sup></b> Sarat (2002) “Killing Me Softly: Technologies for Taking Life;” Lynch “Disposal of Inmate #  <b>Course Summary</b>	
<b>RRR WEEK</b>	<b>RRR SESSION – Take- Take-home final exam prompt will be distributed on bCourses after Review Session</b>	<b>RRR PERIOD:  ELEVEN DAYS ALLOTTED TO COMPLETE THE TAKE-HOME ESSAY FINAL EXAM</b>	
<b>Final Exam WEEK</b>	<b>ELEVEN DAYS IN WHICH TO COMPLETE TAKE- HOME FINAL</b>	<b>Official Final Exam Submission Deadline: <u>FRIDAY, MAY 17, 2019</u> <u>3:00-6:00 PM</u></b>	

**The Registrar has assigned our class the FRIDAY, MAY 17, 2018 3:00-6:00 as our Final Exam time slot. We are obliged to use that officially assigned time as the deadline for submitting our take-home essay final exam. The final exam prompt will provide specific directions for the submission process. Earlier submissions are permitted, but students must work out the submission details with their respective GSI.**