

# PUNISHMENT, CULTURE & SOCIETY

Legal Studies 160.2 | Spring 2021

University of California, Berkeley

Lecture: Tu Th 2:00-3:30pm PST

Location: <https://berkeley.zoom.us/j/91525066035>

## **Instructor**

Dr. Kristin M. Sangren

[ksangren@berkeley.edu](mailto:ksangren@berkeley.edu)

Office Hours: Mondays 3-5pm or by appointment

Location: <https://berkeley.zoom.us/j/8780271802>

## **GSI**

Nandina Babic

[nandinababic@berkeley.edu](mailto:nandinababic@berkeley.edu)

Office Hours: Wednesdays 10am-12pm or by appointment

*Sections:*

201 (Tuesdays 4-5pm)

202 (Thursdays 12-1pm)

Alex Mabanta

[alex.mabanta@berkeley.edu](mailto:alex.mabanta@berkeley.edu)

Office Hours: Mondays and Fridays 11am-12pm or by appointment

*Sections:*

203 (Mondays 3-4pm)

204 (Wednesdays 2-3pm)

## **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 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 a given society? We then turn to an exploration of 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.” In Part III, we consider various forms of punishment in the United States beyond the prison—how social institutions such as policing, education, poverty, and gender become recruited in a broader logic of punishment. In Part IV, 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.

## LOGISTICS & EXPECTATIONS

*bCourses*: You will engage with course content primarily through the [Modules](#) function on [bCourses](#). We will post mandatory weekly reading and assignments to [bCourses>Modules](#), categorized as ‘Read,’ ‘Engagement Opportunities,’ ‘CRM,’ etc. You will not necessarily have tasks to complete in all categories every week, and in most weeks you will have multiple tasks to complete, for example, under ‘Read.’ Modules will also include a section ‘Recommended,’ where we will include optional content.

### COURSE ENGAGEMENT:

#### *Asynchronous Engagement:*

Because of the uncertainties of our current moment, and the challenges associated with Remote Learning, I have endeavored to design this class to be flexible and responsive to a variety of learning circumstances. The course is designed to allow students to be successful even if they are infrequently able to attend synchronous sessions. As long as you keep up with the reading, and very actively and consistently engage with the various asynchronous opportunities, you will be successful in this course.

Owing to privacy concerns (both my own and those of your classmates) I will *not* be video recording lectures or making them available asynchronously. I will post select audio recordings of formal lecture sections of synchronous sessions to [bCourses>Modules>Course Toolbox>Lecture Slides & Recordings](#). These recordings will expire after *one week*.

We will be using a variety of different platforms to facilitate asynchronous engagement. The primary platforms will be [bCourses Modules](#) and [Discussion Boards](#), [Hypothesis](#), and [GSuite](#). Please familiarize yourself with these platforms, and let your GSIs know if you are having difficulties navigating the tech workflow. Please review the brief walkthrough of these platforms in the [Course Introduction Video](#).

All engagements will be evaluated in accordance with the [High-Quality Engagements Rubric](#). You will be given a weekly assessment based on this rubric, posted to [bCourses](#). We will drop your 2 lowest weekly assessments when calculating your final grade.

#### *Synchronous Engagement:*

This course prioritizes active learning strategies and activities. Synchronous lectures will incorporate many small-group learning activities during which you will be expected to engage directly with one another, occasionally with instructor oversight. You are not required to turn your cameras or microphones on during synchronous sessions, although we encourage you to do so if you are comfortable.

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 engagement correlates with quality, rather than with quantity of comments. Coming to see your GSI or me in office hours also qualifies as engagement.

In class we will refer directly to portions of the text, so ***always have your copy of the readings accessible during synchronous meetings!*** It is possible that our discussions may touch on sensitive or controversial topics. It is imperative that we keep an open mind and respect everyone’s differing viewpoints. Discriminatory behavior will not be tolerated.

#### *LecturePods:*

You will be assigned a Zoom LecturePod (Breakout Room) at the beginning of the semester. This group will consist of ~5 students (your ‘PodMates’), and you will periodically be broken-out into your Pods during synchronous lecture sessions for small-group activities. Most of these activities will require

you to produce a deliverable or record of your discussion ('PodDoc') that will be reviewed by your GSI and factored in to your High-quality Engagements assessment.

Periodically throughout the semester, you will conduct peer assessments of your own and your PodMates' engagement during synchronous LecturePod activities. These assessments will be factored in to your High-quality Engagements score.

Be aware that I or a GSI may join your Lecture Pod discussion at any time. This is a good time to ask questions or for clarification of the material under discussion in a smaller-group setting. Occasionally, we will assign homework assignments, for example short presentations, which will require you to collaborate with your Pod outside of class.

PodMates are mutually accountable—if you miss lecture, you should reach out to your PodMates to inquire about missed materials and get the link to the PodDoc.

If you would like to receive credit for asynchronous Pod Doc engagement, you must:

- 1) Review the *full* Pod Doc (not only your LecturePod's contribution)
- 2) Write a ~1 paragraph meta-reflection on the PodDoc prompt. You should summarize the various views of your classmates, comment on these views, respond to or clarify questions that your classmates raise, and note any questions that these views raised for you.
- 3) Input your contribution at the bottom of the PodDoc, in **Blue** font and with your name clearly indicated.
- 4) Submit your contribution by 5pm the following day by uploading a link to the PodDoc (with your contribution) to the bCourses assignment "Asynchronous PodDoc Engagement" in the module for the corresponding week.

We strongly encourage you to leverage your LecturePod for group study, collaborative research, and general community.

#### *Assigned Readings:*

All course readings will be made available electronically through bCourses>Modules. You are expected to come to class having completed all assigned readings in advance. **It is imperative that you keep up with the reading if you want to succeed in this class!**

#### *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 the instructor or your GSI:

- 1) Check the syllabus
- 2) Check bCourses>Modules>Course Toolbox
- 3) Check bCourses>Discussions>the relevant Pinned Discussion ('Course Content Questions' or 'Course Logistics Questions')

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., inquiries about your grade, questions about your final project topic, etc.—post your question to the relevant Pinned

- Discussion. Myself or a GSI will respond to your thread within 24 hours (M-F, 9am-6pm PST).
- If your question is of a personal matter related to your grade, requesting an extension, or DSP-related, email your GSI.
  - For more general matters, or matters related to course content or structure, email the professor. 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.

Answering your classmates' questions posted to either the Course Logistics or Course Content Questions threads (ACCURATELY) will count towards your HQE score!

*Critical Reading Memos (CRMs):*

These memos are a ~3-page synthesis and evaluation of two of the readings for the week that the CRM is due (for greater detail and instructions, see the [CRM Guidelines](#).) There will be 12 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.

There will be **NO EXTENSIONS!** The bCourses Assignment will automatically close at the weekly deadline, and no additional submissions will be accepted. Don't panic! Remember, you have many more opportunities to submit! \*

Final Project: The final project in this course will be a presentation of an argument about a topic of the student's choice, based on original research. You will have considerable latitude in how you choose to present your argument—a conventional research paper, a 'Last Week Tonight'-style long-form video segment, an op-ed, a podcast, etc. You will be required to submit a short (~1 paragraph) project proposal (March 5<sup>th</sup>), which your GSI must approve before you begin research. You will then submit an annotated bibliography identifying and summarizing some preliminary sources you plan to use (April 2<sup>nd</sup>). Finally, you must submit a full bibliography (not annotated) at the time that you upload your final submission Monday, May 10<sup>th</sup>, by 5pm PST. We will provide more guidelines and a rubric later in the semester, and provide activities and space to help you to develop your project during Discussion Sections.

**GRADE BREAKDOWN**

<b><u>High-quality Engagement (HQE)</u></b>	<b><u>40%</u></b>
<ul style="list-style-type: none"> <li>• LecturePod participation</li> <li>• Synchronous engagement (in-class discussion/questions, Zoom chat contributions, office hours)</li> <li>• Asynchronous engagement (Hypothesis annotations, Discussion Threads, asynchronous PodDoc engagement, etc.)</li> </ul>	
<b><u>Critical Reading Memos (CRMs)</u></b>	<b><u>30%</u></b>
<ul style="list-style-type: none"> <li>• 7.5% per CRM</li> </ul>	
<b><u>Final Project</u></b>	<b><u>30%</u></b>
<ul style="list-style-type: none"> <li>• Project proposal</li> <li>• Annotated bibliography</li> <li>• Final submission</li> </ul>	<p>5%</p> <p>5%</p> <p>20%</p>

**Key Deadlines:**

- Saturdays, 11:59pm PST—CRM submission deadline
- Saturdays, 11:59pm PST—HQE weekly cutoff
- Friday, March 5<sup>th</sup>, 11:59pm PST—Final Project proposal due
- Friday, April 2<sup>nd</sup>, 11:59pm PST—Annotated bibliography due
- Monday, May 10<sup>th</sup>, 5:00pm PST—Final Project submission deadline

**POLICIES***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, your GSI, and all of your fellow students' consent is prohibited. You may not reuse or circulate recorded lectures, my slides, or other course resources to anyone without my permission. This includes screenshots of course materials and/or participants, unauthorized recording of lectures, presentations, or discussions.

*Disability-Related Accommodations:*

If you need disability-related accommodations in this class, please arrange to meet with your GSI immediately to discuss your requirements.

\* Students with DSP accommodations granting occasional extensions on take-home assignments for disability-related circumstances may be granted an extension to submit a weekly CRM until the following Monday, 11:59pm. Please notify your GSI in advance of the regular Saturday deadline if you intend to use this option.

Please remember that extensions are meant to specifically address the impact of a student's disability on their ability to complete an assignment by the deadline provided to students who do not share the student's disability identity.

*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."

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 course work) without appropriate reference is plagiarism and will result in a failing grade for your assignment and usually further disciplinary action. 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>

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](#).

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:*

Although we are meeting remotely and most students are away from Berkeley, I would like to acknowledge that the brick-and-mortar 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

### *Part I: Why We Punish*

#### **Week 1**

*Course Introduction (1/19/21)*

*Recommended:* Garland, David (1990). *Punishment and Modern Society*, chapter 1 (pp. 12-33)

*Solidarity, Moral Attribution, and Norms (1/21/21)*

Durkheim, Emile. 1933 [1893]. *The Division of Labor in Society*. New York: The Free Press. [pp. 63-69, 105-115, 127-132].

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

Garland, David. 2013. *Punishment and Social Solidarity*. *The SAGE Handbook of Punishment and Society*. London: Sage Publications LTD., pp. 23-39

#### **Week 2: Controlling Labor (1/26/21 and 1/28/21)**

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

Chiricos, Theodore and Miriam A. DeLone. 1992. "Labor Surplus and Punishment: A Review and Assessment of Theory and Evidence." *Social Problems* 39: 421-446.

Wacquant, Loïc. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham: Duke University Press, chap. 6 (pp. 195-208).

#### **Week 3: Discipline and Normalization (2/2/21 and 2/4/21)**

Weber, Max. [1918-20] 1946. "The Meaning of Discipline." Pp. 253-264 in *From Max Weber: Essays in Sociology*. Edited by Hans Gerth and C. Wright Mills. New York: Oxford University Press.

Foucault, Michel. 1977 [1975]. *Discipline and Punish: The Birth of the Prison*. New York: Vintage. pp. 3-31, 195-228.

#### **Week 4: Punishment and/as Culture (2/9/21 and 2/11/21)**

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

Bodde, Derk and Clarence Morris 1967. *Law in Imperial China*. Cambridge: Harvard University Press. Pp.1-8, 29-48.

Fu Hualing. 2005. *Re-Education through Labour in Historical Perspective*. *The China Quarterly* 184: 811-830.

Clastres, Pierre. 1989. *Society Against the State*. New York: Zone Books, chap. 10 (pp. 177-188)

*Part II: How We Punish*

**Week 5: Incarceration** (2/16/21 and 2/18/21)

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

Rhodes, Lorna. 2004. *Total Confinement: Madness and Reason in the Maximum Security Prison*. Berkeley, University of California Press, pp. 21-60.

**Week 6: Solitary Confinement & Capital Punishment** (2/23/21 and 2/25/21)

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

Abu-Jamal, Mumia. 1996. *Live from Death Row*. New York: Perennial, selections TBA

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

**Week 7: Prisons in Comparative Perspective** (3/2/21 & 3/4/21)

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

Reed, Adam. 2003. *Papua New Guinea's Last Place: Experiences of Constraint in a Postcolonial Prison*. New York: Berghan Books, pp. 21-50

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

Dutton, Michael R. and Zhangrun Xu. 2005. *A Question of Difference: The Theory and Practice of the Chinese Prison*. *Crime, Punishment, and Policing in China*. Børge Bakken, ed. pp. 103-140

**Week 8: Mass Incarceration** (3/9/21 & 3/11/21)

Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, chap. 1-2, 5 (pp. 20-95, 178-220)

[In Class: *The 13<sup>th</sup>*]

**Week 9: Mass Incarceration (cont.)** (3/16/21 & 3/18/21)

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)

Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, pp. 5-29, 55-86.

*Part III: Punishment Beyond the Prison*



**Week 10** (3/30/21 & 4/1/21)

*Pre-Trial Punishment*

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

*Policing*

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

**Week 11: Punishing Poverty** (4/6/21 & 4/8/21)

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)

Chen, Janet. 2012. *Guilty of Indigence: The Urban Poor in China, 1900-1953*. Princeton: Princeton University Press, intro and chap. 1 (pp. 1-45).

**Week 12: Punishing Reproduction** (4/13/21 & 4/15/21)

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

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*]

*Part IV: Punishment and Sovereignty*

**Week 13: Punishment and the Border** (4/20/21 & 4/22/21)

De León, Jason. 2015. *The Land of Open Graves: Living and Dying on the Migrant Trail*. Berkeley: University of California Press, Intro and chap. 1-3 (pp. 1-87)

**Week 14: Punishment and Civilization** (4/27/21 & 4/29/21)

Botsman, Daniel V. 2007. *Punishment and Power in the Making of Modern Japan*. Princeton: Princeton University Press, pp. 1-13, 115-140, 201-229