

PUNISHMENT, CULTURE & SOCIETY

Legal Studies 160.2 | Fall 2020

University of California, Berkeley

Lecture: Tu Th 9:30-11am

Location: <https://berkeley.zoom.us/j/97514738061>

Instructor

Dr. Kristin M. Sangren

ksangren@berkeley.edu

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

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

GSI

Nandina Babic

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Office Hours: Fridays 2-4pm or by appointment

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

Modules: 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,’ ‘Watch,’ or ‘Submit.’ You will not necessarily have tasks to complete in all three categories every week, and in most weeks you will have multiple tasks to complete, for example, under ‘Read.’ Modules will also include a section ‘Optional,’ where we will include optional content or assignments. You can find a link to upload your CRMs (detailed below) under the weekly ‘Optional’ section.

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. Owing to privacy concerns (both my own and those of your classmates) I will *not* be video or audio-recording lectures or making them available asynchronously. However, 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, actively engage on the various asynchronous platforms, and do your best to at least attend section meetings synchronously, you will be successful in this course.

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 do your best to 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 Tech Overview](#).

During the first week of class, your GSIs will facilitate an activity during which you will collaborate with your section-mates to put together a set of policies and expectations about appropriate online conduct (“netiquette”). You will be expected to abide by these policies in all of your online engagements, both synchronous and asynchronous.

All engagements will be evaluated in accordance with the [High-Quality Engagements Rubric](#).

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 will not be required to turn your cameras or microphones on during synchronous sessions, although we encourage you to do so if you are comfortable.

You will be assigned a **Zoom Lecture Pod** (Breakout Room) at the beginning of the semester. This group will consist of approximately five students, and you will periodically be broken-out into your Pods during lecture for small-group activities. Many of these activities will require you to produce a deliverable or record of your discussion (“Pod Doc”) that will be reviewed by your GSI and factored in to your Class Engagements grade.

Be aware that I or your 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.

Pod members are mutually accountable—if you miss lecture, you should reach out to your Pod members to inquire about missed materials and get the link to the Pod Doc. If you would like to receive credit for asynchronous Pod Doc engagement, you must:

- 1) Review the *full* Pod Doc (not only our Pod’s contribution)
- 2) Write a ~1 paragraph meta-reflection on the Doc 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) Submit this reflection as a separate Assignment on bCourses before 8pm that evening.

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

Note that although attendance is only a small part of your grade, **High Quality Engagements (HQEs)**, including raising comments or asking questions during class (either using your microphone or

via Zoom chat), or actively participating in small-group work, are heavily weighted in this course (see [Grade Breakdown](#) and [HQE Rubric](#) for more detail).

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.

In order to receive credit for attendance, you must log-in to the Zoom meeting on time. If you log in more than 20 minutes late to lecture, you will be marked absent. Consult with your GSI for section attendance policies.

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 and Course Prep
- 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—for example, inquiries about your grade, questions about your final project topic, etc.—post your question to the relevant Pinned Discussion ('Course Content Questions' or 'Course Logistics Questions'). Myself or your GSI will respond to your thread within 24 hours.
- If your question is of a personal matter, email the instructor or your GSI. 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.

Critical Reading Memos (CRMs): These memos are a ~2-page synthesis and evaluation of the readings for one week (Tuesday and Thursday) (for greater detail and instructions, see the [CRM Guidelines](#)). There will be 12 weekly deadlines throughout the semester, and students must choose **FIVE (5)** 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 (October 8th), 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 (November 5th). Finally, you must submit a full bibliography (not annotated) at the time that you upload your final submission Wednesday, December 9th, before 5pm. 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:

Class Engagement	50%
• Lecture attendance	5%
• Section attendance	5%
• High-quality engagements (HQEs) (Contributions in class, section, and office hours, Hypothesis annotations, discussion board and Lecture Pod contributions, homework, etc.)	40%
Critical Reading Memos (CRMs)	25%
• 5% per CRM	
Final Project	25%
• Project proposal	5%
• Annotated bibliography	5%
• Final submission	15%

KEY DEADLINES:

- Thursdays, 12pm PST (every week beginning September 3rd)—CRM submission deadline
- Fridays, 5pm PST—HQE weekly deadline
- Thursday, October 8th, 5pm—Final Project proposal due
- Thursday, November 5th, 5pm—Annotated bibliography due
- Wednesday, December 9th, 5pm—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/your fellow students' consent is prohibited. You may not reuse or circulate recorded lectures, my slides, or other course

resources to anyone, whether or not they are enrolled in the class, without my permission. This includes screenshots of course materials and/or participants, unauthorized recording of lectures, presentations, or discussions.

Disability-Related Accommodations and Extracurricular Conflicts: If you need disability-related accommodations in this class, please arrange to meet with me or your GSI immediately to discuss your requirements.

The campus-wide policy on extra-curricular conflicts is available online at <https://academic-senate.berkeley.edu/sites/default/files/guide-acad-sched-conflicts-final-2014.pdf>. Here are some highlights:

- 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 (classes, exams, project due dates, field trips) and scheduled practices, matches, games, potential tournaments, interview weeks, performances, and other activities in which the student will be participating (or may be participating) that would require absence from academic activities during the semester, as well as to provide a proposal for resolving these conflicts.
- If unforeseen conflicts arise during the course of the semester students must promptly notify the instructor and arrange to discuss the situation as soon as these conflicts (or the possibility of these conflicts) are known.
- Students are responsible for material covered during missed classes whether or not they have been formally excused; therefore it is the student's responsibility to inform him/herself about the material missed. Because of serious workload issues it is not the instructor's or the GSI's responsibility to tutor students in missed material. For this reason it is recommended that students absent from class for any reason make timely contact with several other students in the class to arrange for thorough briefing on the material they missed.

Academic Integrity: Plagiarism will be punished with a failing grade for the assignment and potential further disciplinary action. Please refer to <http://sa.berkeley.edu/conduct/integrity> for the university academic integrity policy.

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).

COURSE SCHEDULE

Week 1

August 27—Course Introduction

Part I: Why We Punish—Social and Cultural Theories of Punishment

Week 2

September 1—Creating Solidarity

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 (1990). *Punishment and Modern Society*, chapter 11 (pp. 279-310)

September 3—Controlling Labor

Rusch & Kirscheimer. 2004[1939]. *Punishment and Social Structure*. New Brunswick: Transaction Publishers, chapter 6 (pp. 84-102)

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

Week 3

September 8—Discipline and Normalization

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, 135-169.

September 10—Why 'They' Punish

Kafka *In the Penal Colony* (1919). (19 pgs.)

Clastres, Pierre. 1989. *Society Against the State*. New York: Zone Books, chap. 10 (pp. 177-188) (11 pgs.)

Bodde, Derk and Clarence Morris 1967. *Law in Imperial China*. Cambridge: Harvard University Press. Pp.1-8, 29-48 (26 pgs).

Fu Hualing. 2005. *Re-Education through Labour in Historical Perspective*. *The China Quarterly* 184: 811-830. (19 pgs.)

Week 4

Part II—How We Punish

September 15 & 17—Incarceration

Melossi, Dario and Mario Pavarini. 1981 [1977]. *The Prison and the Factory: The Origins of the Penitentiary System*. London: The MacMillan Press. pp. 1-7, 47-62, 189-196

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

Irwin, John and Donald Cressey. 1962. "Thieves, Convicts, and the Inmate Culture." *Social Problems* 10: 142-155.

Bottoms, Anthony E. 1999. "Interpersonal Violence and Social Order in Prisons." *Crime and Justice* 26: 205-281 (read pages 205-213, 268-275 closely, skim the rest).

Week 5

September 22—Incarceration (cont.)

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

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

September 24—Solitary Confinement & Capital Punishment

Guenther, Lisa. 2013. *Solitary Confinement: Social Death and its Afterlives*. Minneapolis: University of Minnesota Press, xi-xxx, 65-99 (Intro and chapter 4)(53 pages)

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

Week 6

September 29—Prisons in Comparative Perspective

Kelly Gillespie. 2008. "Moralizing Security: 'Corrections' and the Post-Apartheid Prison." *Race/Ethnicity: Multidisciplinary Global Contexts* 2(1): 69-87 (19 pages)

Piacentini, Laura. 2004. "Penal Identities in Russian Prison Colonies." *Punishment & Society* 6:131-147 (16 pages)

Salvatore, Ricardo D., Carlos Aguirre, and Gilbert M. Joseph. 2001. *Crime and Punishment in Latin America: Law and Society since Colonial Times*. Durham: Duke University Press Books, selections TBA

[Guest Lecture: Dr. David Thompson, Simon Fraser University]

October 1—Mass Incarceration

Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, chaps. 1-2 (pp. 20-96)(76 pages)

Week 7

October 6 & 8—Mass Incarceration (cont.)

Alexander, *The New Jim Crow*, chap. 5 (pp. 178-220)(42 pages)

[In class: *The 13th*]

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)(55 pages)

Final Project Proposal due Thursday, October 8th, 5pm

Week 8

Part III—Punishment Beyond the Prison

October 13— Pre-Trial Punishment

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

Issa Kohler-Hausmann (2013) “Misdemeanor Justice: Control without Conviction” *American Journal of Sociology* 119(2): 351-393 (42 pages)

[Guest Lecture: Nandina Babic, UC Berkeley]

October 16— Policing

Ralph, Laurence. 2020. *The Torture Letters: Reckoning with Police Violence*. Chicago: University of Chicago Press, selections TBA

Week 9

October 20—Policing (cont.)

Obasogie, Osagie K. and Zachary Newman. 2019. The Endogenous Fourth Amendment: An Empirical Assessment of How Police Understandings of Excessive Force Become Constitutional Law. *Cornell Law Review* 104(5): 1281-1335 (54 pages).

[Guest Lecture: Dr. Andrew McCall, University of Chicago]

October 22—School-to-Prison

Sojoyner, Damian. 2010. Enclosures Abound: Black Cultural Autonomy, Prison Regime and Public Education. *Race, Ethnicity and Education* 13(3): 349 – 365 (16 pages)

Week 10

October 27 & 29—Punishing Poverty

Beckett, Katherine and Steve Herbert. 2010. *Banished: The New Social Control in Urban America*. Intro, chaps 1-2 and 5 (pp. 3-62, 103-140)(96 pages).

Katzenstein and Waller. 2015. *Taxing the Poor: Incarceration, Poverty Governance, and the Seizure of Family Resources*. *Perspectives on Politics* 13(3): 638-656 (18 pages)

Recommended:

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

Week 11

Tuesday, November 3rd: Election Day—NO CLASS, GO VOTE & VOLUNTEER!

November 5—Punishing Reproduction

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. (25 pp.)

Annotated Bibliography due Thursday, November 5th, 5pm

Week 12

Part IV—Punishment On (and Beyond) the Border

November 10 & 12—Punishment and Sovereignty

Simon, Jonathan. 1998. *Refugees in a Carceral Age: The Rebirth of Immigration Prisons in the United States*. *Public Culture* 10(3): 577-607 (30 pages).

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 (pp. 1-37) (37 pages)

Week 13

November 17 & 19—Punishment and Sovereignty (cont.)

De León, *Land of Open Graves*, chaps. 2-3 (pp. 38-85) (47 pages)

Zulaika, Joseba. 2020. *Hellfire from Paradise Ranch: On the Front Lines of Drone Warfare*. Berkeley: University of California Press, intro and chapter 1 (pp. 1-50)(50 pages)

Week 14

November 24—Punishment and Civilization

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

Finley, Joanne Smith. 2019. Securitization, insecurity and conflict in contemporary Xinjiang: has PRC counter-terrorism evolved into state terror? *Central Asian Survey* 38(1): 1-26.

[Guest Lecture: Dr. Magnus Fiskesjö, Cornell University]

December 1—Punishment and Capitalism

Schlosser, Eric. 1998. The Prison Industrial Complex. *Atlantic Monthly*.

Gilmore, Ruth Wilson. 2007. Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California. Introduction (pp. 5-29)

Week 15

December 3—Course Wrap-up

Davis, Angela and Gina Dent. 2001. Prison as a Border: A Conversation on Gender, Globalization, and Punishment. *Signs* 26(4): 1235-

Final Project due Wednesday, December 9th, 5pm