

The Politics of Punishment
Political Science 20702 / Comparative Race Studies 20702
University of Chicago
Autumn Quarter 2006

Instructor:

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Office Hours: TBA, Pick Hall 406

Course Meetings:

Mondays and Wednesdays, 3:00 - 4:20
Cobb Hall 102

Course Description:

This is a seminar course asking what punishment means in a modern democratic state and what particular forms of punishment reveal about conceptions of personal responsibility and subjectivity. The first half of the course will explore the dominant modern approaches to understanding punishment, covering Durkheim, Marxist interpretations, modern Anglo-American legal traditions, expressive retributivism, and culminating with a close reading of Michel Foucault's *Discipline and Punish*. The second part of the course focuses on incarceration as it is practiced in the United States in light of these theoretical approaches. The third part of the course asks how such practices play out in terms of collateral consequences and the importance of racial, gender, and sexual identities in relation to punishment.

Course Requirements/Grading:

Response Papers (30%): Each student must prepare three short response papers to the reading. These papers should be concise reflections on a single piece of assigned reading for a week. You should focus on a particular claim made, piece of evidence offered, or account provided by an author and critically assess that statement. I do not actually care if you agree or disagree with the author, rather, I want to hear what you have to think about the piece. These should be handed in at the beginning of class on the same day in which we are scheduled to discuss that reading.

The first of these papers should respond to material from the first 3 weeks of class (submitted no later than 10/11), the second must be a critical response to a section of *Discipline and Punish* (submitted no later than 10/25), and the final should respond to something in the last half of the course (submitted no later than 11/29).

These must absolutely be no longer than 3 double spaced pages in 12-point Times New Roman. I really mean this, actually, as part of the assignment is to learn how to constrain yourself to a narrow and specific point and work within strict limits.

Research Paper (40%): Each student will be expected to write a 12-15 page research paper, exploring an existing or historical form of state-based punishment or punitive state action that has not been taken up explicitly in the course readings. Some possible examples include sentencing, plea bargaining, appeals processes, private prisons, the death penalty, probation/parole, etc.

The paper should provide 1) an empirical account of the operation of the practice, 2) a theoretical account of how the practice is justified as punishment, and 3) a critical account of the meaning and significance of the practice. Topics must be submitted for approval by 10/30 (week 6).

Attendance and Participation (30%): This is a discussion seminar, and as such, active participation is mandatory. Students must come to class prepared to discuss the assigned reading, and are expected to have at least one well formed discussion question to offer to the class. We will routinely begin class by building a discussion agenda based upon these questions, so be ready to pose a specific question or point to a passage in the texts that begs discussion. Students with four unexcused and undocumented absences will fail the participation section of the course.

Please note that you must pass each component of the course in order to pass the course. For example, even if you turn in brilliant and amazing reading responses and an inspired final paper, but you fail the attendance portion of the course, you will fail the entire course.

Plagiarism: If you, even for a moment, think that you need to plagiarize, please come see me. If you think you can get away with it, you are wrong. Proven plagiarism of any kind will result in an automatic failure of the course, and will be referred to the University for further disciplinary action.

Texts Required for Purchase:

Conover, Ted. 2001. *New Jack: Guarding Sing Sing*. New York: Vintage Books.

Foucault, Michel. 1995. *Discipline and Punish: The Birth of the Prison*. Translated by A. Sheridan. 2nd ed. New York: Vintage Books.

Garland, David. 1990. *Punishment and Modern Society, Studies in Crime and Justice*. Chicago: University of Chicago Press.

Mauer, Marc, and Meda Chesney-Lind. 2002. *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: New Press.

Parenti, Christian. 1999. *Lockdown America: Police and Prisons in the Age of Crisis*. London: Verso.

Tonry, Michael. 1995. *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford University Press.

These texts have all been ordered through the Seminary CO-OP bookstore. All other required readings marked with an * will be made available via electronic reserve or found on the chalk website.

Tentative Schedule of Class Sessions:

Week 1:

Mon 9/25: Introduction and course overview.

Wed 9/27: Defining Punishment

- Hart, H.L.A. 1968. "Prolegomenon to the Principles of Punishment" in *Punishment and Responsibility*. Oxford: Oxford University Press. 1-27.*
- Feinberg, Joel. 1970. "Justice and Personal Desert." Chapter 4 in *Doing and Deserving*. Princeton: Princeton University Press. 55-94. *

Week 2:

Mon 10/2: How should we think about punishment?

- Garland. Chapter 1.
- Mead, Geroge H. 1918. "The Psychology of Punitive Justice" *The American Journal of Sociology*. Vol. 23, No. 5. 577-602. *

Wed 10/4: Functions of Punishment 1: Social Solidarity

- Durkheim, Emile. 1984. "Mechanical Solidarity, or Solidarity by Similarities." Chapter 2 in *The Division of Labor in Society*. New York: Free Press. 31-67. *
- Garland – Chapters 2-3.

Week 3:

Mon 10/9: Functions of Punishment 2: Control

- Garland – Chapter 4
- Pashukanis, Evgeny. 1924. "Law and Violation of Law." Chapter 7 of *A General Theory of Law and Marxism*. Online at: <http://www.marxists.org/archive/pashukanis/1924/law/ch07.htm> *
- Garland - Chapter 5

Wed 10/11: Functions of Punishment 3: Expression

- Feinberg, Joel. 1970. "The Expressive Function of Punishment." Chapter 5 in *Doing and Deserving*. Princeton: Princeton University Press. 95-118.*
- Hampton, Jean. 1992. "An Expressive Theory of Retribution." In *Retributivism and Its Critics*, edited by W. Cragg.*

Week 4:

Mon 10/16: Functions of Punishment 4: Discipline, Normalization, and Power

- Garland, Chapter 6.
- Foucault, *Discipline and Punish*. Part 1: Torture, 3-69.

Wed 10/18: Discipline and Punish

- Foucault, Part 2: Punishment, 73-131.

Week 5:

Mon 10/23: Discipline and Punish

- Foucault, Part 3: Discipline, 135-228.

Wed 10/25: Discipline and Punish

- Foucault, Part 4: Prison, 231-308.
- Garland, Chapter 7.

Additional/Suggested Readings for Foucault:

- “Prison Talk” in *Power/Knowledge*
- *Abnormal, Lectures 1 and 2*
- *Society Must be Defended, Lecture 11*

Week 6:

Mon 10/30: Incarceration in the US.

- Patterson, Alexander. 1951. “Why Prisons?” Chapter 1 in *Patterson on Prisons*. London: Frederick Muller. 21-29.*
- Morris, Norval. 1995. “The Contemporary Prison: 1965-Present” In *The Oxford History of the Prison*, 202-231.*
- Parenti, Chapters 1-5.
- BJS Bulletin: Prison and Jail Inmates at Midyear 2005*

Wed 11/1: Incarceration in the US, Being in Prison

- Parenti, Chapters 8-10.
- Wright, Paul, and Tara Herivel. 2003. Section 5 of *Prison Nation: The Warehousing of America's Poor*. New York ; London: Routledge. 168-215.*

Week 7:

Mon 11/6: Being in Prison 2: Corrections Officers.

- Jacobs, James B with Norma Crotty. 1983. “The Guard’s World” in *New Perspectives on Prisons and Imprisonment*. 133-141.*
- Conover, Ted. 2001. *New Jack: Guarding Sing Sing*.

Wed 11/8: Incarceration and Health

- Farmer, Paul. 2002. “The House of the Dead: Tuberculosis and Incarceration.” In *Invisible Punishment*. 239-257.
- BJS Bulletin: HIV in Prisons, 2003. Online at <http://www.ojp.usdoj.gov/bjs/pub/pdf/hivp03.pdf> *
- Rodriguez, Brenda. 2000. “HIV, AIDS, and Rape in Texas Prisons.” In *States of Confinement*. 159-171. *
- Foucault, Michel. 1994. “About the Concept of The ‘Dangerous Individual’ in Nineteenth-Century Legal Psychiatry” in *The Essential Foucault*. 208-228. *
- VIDEO: Watch *Frontline: The New Asylums* online at <http://www.pbs.org/wgbh/pages/frontline/shows/asylums/>

Week 8:

Mon 11/13: Punishment and Race

- Tonry, *Malign Neglect*

Wed 11/15: Punishment and Race

- Walker, Samuel, et al. 1996. "The Color of Death." Chapter 7 in *The Color of Justice: Race, Ethnicity, and Crime in America*, Contemporary Issues in Crime and Justice Series. Belmont, Calif.: Wadsworth Publ. *
- Wacquant, Loïc. 2001. "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh." *Punishment and Society* 3(1). 95-133 *
- VIDEO: Watch *Frontline: The O.J. Verdict* online at: <http://www.pbs.org/wgbh/pages/frontline/oj/>

Week 9:

Mon 11/20: Punishment and Gender/Sexuality

- Roberts, Dorothy. 1995. "Punishing Drug Addicts Who Have Babies." in *Critical Race Theory: The Key Writings that Formed the Movement*. Crenshaw et. al Eds. New York: The New Press. 384-426. *
- Chesney-Lind, Meda. 2002. "Imprisoning Women: The Unintended Victims of Mass Imprisonment" in *Invisible Punishment*. 79-94.
- Richie, Beth. 2002. "The Social Impact of Mass Incarceration on Women" in *Invisible Punishment*. 136-149.
- Richie, Beth. 2001. "Challenges Incarcerated women Face as They Return to Their Communities: Findings From Life History Interviews". In *Crime and Delinquency*, 47(3). 368-389. *
- Davis, Angela "How Gender Structures the Prison System" in *Are Prisons Obsolete?* 60-83.*
- Haley, Janet. 1995. "The Politics of the Closet: Legal Articulation of Sexual Orientation Identity" in *After Identity: A Reader in Law and Culture*. New York: Routledge. 24-38. *
- Kansas Supreme Court, *State v. Limon* (2005). *

Wed 11/22: Collateral Effects: Welfare/Economy/Etc.

- Buckler, Kevin, and Lawrence Travis. 2003. "Reanalyzing the prevalence and social context of Collateral Consequence Statutes." *Journal of Criminal Justice* 31. 435-453. *
- Rubinstein, Gwen and Debbie Mukamal. 2002. "Welfare and Housing - Denial of Benefits to Drug Offenders" in *Invisible Punishment*. 37-49.
- Braman, Donald. 2002. "Families and Incarceration" in *Invisible Punishment*. 117-135.
- Western, Bruce, et. al. "Black Economic Progress in the Era of Mass Imprisonment." In *Invisible Punishment*. 165-180.
- Huling, Tracy. 2002. "Building a Prison Economy in Rural America" in *Invisible Punishment*. 197-213.
- Miller, Teresa. 2002. "The Impact of Mass Incarceration on Immigration Policy." in *Invisible Punishment*. 214-238

Week 10:

Mon 11/27: Collateral Effects: Voting Rights

- Manza, Jeff, and Christopher Uggen. 2004. "Punishment and Democracy:

Disenfranchisement of Nonincarcerated Felons in the United States." *Perspectives on Politics* 2 (3):491-505. *

- Clegg, Roger. 2002. "Who Should Vote?" *Texas Review of Law and Politics* 6:159-178. *
- Reiman, Jeffrey. 2005. "Liberal and Republican Arguments Against the Disenfranchisement of Felons." *Criminal Justice Ethics*. Winter/Spring 2005. 3-18. *

Wed 11/29: Punishment, Democracy, and Subject Formation.

- Garland, Chapters 11-12.
- Harcourt, Bernard. 2001. "The Implications of Subject Creation." in *Illusion of Order: The False Promise of Broken Windows Policing*. Boston: Harvard University Press. 160-184. *
- Wacquant, Loïc. 2005. "Race as Civic Felony." *International Social Science Journal*. 57(183). *