

## **The Politics of Crime and Punishment**

PSC 31807-E

Spring 2018

Monday and Wednesday 2:00-3:15

Shepherd 20

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Office Hours

Monday 3:30-5:30

NAC 4/143B

Other Times by Appointment

**Description:** This course presents an argument about how we should understand crime and punishment. In brief, it argues that as much as crime and punishment are topics for legal, social, cultural, or moral inquiry, they are topics for political inquiry. That is, in order to understand the practice of crime, criminalization, and punishment one must understand the politics behind them. And the politics of crime and punishment, at their core, are built into questions of the state including how state institutions are expanded, consolidated, and legitimated. By considering the relationship between crime, punishment and the state through a comparative lens, this course will present some of the diverse ways in which political leaders and their opponents have used crime and punishment to shape, extend, or resist state institutions over time. The course is comparative in nature, which means material is primarily drawn from outside of the United States, though the US and New York will be discussed via conversation with the politics of other countries.

**Course Assignments:** The primary assignments for the course are three take home exams and performance in one in-class debate.

**Grading and Evaluation:** The course will be graded on a 100-point scale. Each exam will be worth 20 points (roughly six pages of typed writing for each exam). The in-class debate will be worth 20 points. Attendance and participation will be worth 20 points.

**Learning Outcomes:** Through course readings, students will be able to analyze current events featuring the criminal justice system both globally and within the United States gaining a heightened understanding of the relationship between crime, punishment, and the state. They will also develop writing, oral presentation, and critical thinking skills through the course assignments.

**Course Content and Compartment:** The course material, lectures, and discussions deal with sensitive topics that may be uncomfortable or challenging for students. Should students be concerned about completing a particular reading or participating in a particular discussion because of the content, they are encouraged to approach the instructor to talk about the concerns so alternative arrangements can be made. Likewise, to facilitate discussion of difficult political topics, students are expected to have a presumptive generosity towards one another, even during

moments of disagreement. A key learning objective of the course is for students to learn how to argue effectively, a goal that assumes a generous engage both with the arguments a student makes and the objections that a student's argument receives.

**Attendance:** Student attendance is crucial to the success of the course and students' ability to learn in it. Reflecting this importance, attendance and participation are major components of the grade. To ensure students attend class, they will **lose five points on their participation grade for each unexcused absence, although I will excuse the first absence without penalty.** Late work hours or a delayed train are not legitimate excuses for missing a class. Absences for medical or family emergencies are excusable. If a student writes me *before* class letting me know about an emergency that requires them missing class (e.g. sickness, death in the family), I will generally excuse the absence if a student acts in good faith. I will not accept excuses after the fact, though. **To reward perfect attendance, I will also give students an extra five percent on their final grades for perfect attendance (i.e. no classes missed even for legitimate reasons).**

Lateness on an exam or missing an in-class debate are not acceptable, except in case of a serious emergency. **In such an instance, a note from a relevant authority attesting to the emergency (e.g. doctor) is required.** I will not allow a student to turn in an exam if such a note is not provided and if the reason for failing to complete the exam in a timely manner is not legitimate (e.g. illness; family emergency).

**Books to Purchase:** None

## Course Overview

### Section 1: Setting the Stage through Theory and Literature

#### Week 1 – Course Introduction

Class 1 Jan. 29 – Course Introduction

No Reading

Class 2 Jan. 31 – Overview Lecture

Durkheim, Emile. 1982. "The Function of Crime." In *The Rules of Sociological Method*. New York: Free Press.

Marx, Karl. 1981. "The Usefulness of Crime. In *Crime and Capitalism: Readings in Marxist Criminology*. David F. Greenberg, ed. Philadelphia: Temple University Press: 52-53.

Weber, Max. 1978. "Legal Authority with a Bureaucratic Administrative Staff." In *Economy and Society*. Guenther Roth and Claus Wittich, eds. Berkeley: University of California Press: 217-220.

Dostoevsky, Fyodor. 1912. *The Brothers Karamazov*. New York: Barnes and Nobles Classics: Chapters 4 and 5.

## **Week 2 – The Politics of Crime in Theory**

### Class 1 Feb. 5 – The Great Criminal

Benjamin, Walter. 1986. "Critique of Violence." In *Reflections: Essays, Aphorisms, Autobiographical Writings*. New York: Schocken.

Samuels, David. 2010. "The Pink Panthers." *The New Yorker*. April 12.

### Class 2 Feb. 7 – Spectral States and Divine Violence

Benjamin, Walter. 1986. "Critique of Violence." In *Reflections: Essays, Aphorisms, Autobiographical Writings*. New York: Schocken.

Aretxaga, Begona. 1999. "A Hall of Mirrors: On the Spectral Character of Basque Violence." *Basque Politics and Nationalism on the Eve of the Millennium*. Ed. William A. Douglass et al. Reno: University of Nevada Press.

Genet, Jean. 2004 [1977]. "Violence and Brutality." In *The Declared Enemy: Texts and Interviews*. Stanford: Stanford University Press: 171-177.

## **Week 3 – The Politics of Punishment in Theory**

### Class 1 Feb. 12 – No Class

No Class (CUNY Cancellation)

### Class 2 Feb. 14 – The Limits of the Disciplinary State

Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books: Chapters 1 and 3.

Jennifer Gonnerman. 2014. "Before the Law." *The New Yorker*. October 6.

Jennifer Gonnerman. 2015. "Kalief Browder, 1993-2015." *The New Yorker*. June 7.

## **Week 4 – The Politics of Punishment in Literature**

### Class 1 Feb. 19 – Class Cancelled

No class (CUNY Cancellation)

### Class 2 Feb. 20 – Criminal Spectacles and Punitive Spectacles

#### **NOTE: Tuesday Class**

Greene, Graham. 1954. "The Destroyers."

Kafka, Franz. 1914. "The Penal Colony."

### Class 3 Feb. 21 – In-Class Debate

**Debate 1:** Crime is useful.

## Assignment 1: Take Home Exam 1 Handed Out

### Section II: Crime

#### Week 5 - The Experience of Crime

Class 1 Feb. 26 – The Drama of Crime

Comaroff, Jean and John L. Comaroff. 2004. "Criminal Obsessions, after Foucault: Postcoloniality, Policing, and the Metaphysics of Disorder." *Critical Inquiry* 30 (4): 800–824.

Ivy, Marilyn. 1996. "The Mystery Man with 21 Faces." *Critical Inquiry* 32(1): 11-36.

Class 2 Feb. 28 – Talking about Crime

Caldeira, Teresa. 2000. *City of Walls: Crime, Segregation, and Citizenship in Sao Paolo*. Berkeley: University of California Press: Chapter 1.

Steinberg, Jonny. 2014. "The Defeated." *Granta* 126.

#### DUE Take Home Exam 1

#### Week 6 – Crime: Resistance or Parasitism?

Class 1 March 5 – Crime as Resistance

Hobsbawm, Eric J. 1971. *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*. Manchester: Manchester University Press: Chapter 2.

Scott, James. 1985. *Weapons of the Weak*. New Haven, CT: Yale University Press: Pages 241-273.

Class 2 March 7 – Crime as Social Parasitism

Blok, Anton. 1972. "The Peasant and the Brigand." *Comparative Studies in Society and History* 14 (4): 494-503.

Martinez, Oscar. 2016. *A History of Violence: Living and Dying in Central America*. London: Verso: Chapter 1 and 8.

#### Week 7 – Crime and the State

Class 1 March 12 - The Criminal State

Gambetta, Diego. 1993. *The Sicilian Mafia: The Business of Private Protection*. Cambridge, MA: Harvard University Press: Chapters 1 and 2.

Tilly, Charles. 1985. "War Making and State Making as Organized Crime." In *Bringing the State Back In*, edited by Peter Evans, Dietrich

Rueschemeyer, and Theda Skocpol. New York: Cambridge University Press.

Sallah, Michael et al. 2014. "Stop and Seizure: Aggressive Police Take Hundreds of Millions of Dollars from Motorists Not Charged with Crimes." *The Washington Post*. September 6.

Class 2 March 14 – The Vigilante State

Tsing, Anna Lowenhaupt. 1993. *In the Realm of the Diamond Queen: Marginality in an Out-of-the-Way Place*. Princeton: Princeton University Press: Chapter 2.

Barker, Joshua. 1998. "State of Fear: Controlling the Criminal Contagion in Suharto's New Order." *Indonesia* 66: 7-42.

Chen, Adrian. 2016. "When a Populist Demagogue Takes Power." *The New Yorker*. November 21.

**Week 8 - Performing Protection**

Class 1 March 19 – The Politics of Crime Statistics

Comaroff, Jean and John L. Comaroff. 2006. "Figuring Crime: Quantifacts and the Production of the Un/Real." *Public Culture* 18 (1): 209-246.

Comaroff, Jean and John L. Comaroff. 2016. *The Truth about Crime: Sovereignty, Knowledge, Social Order*. Chicago: University of Chicago Press: Chapter 2.1.

Bernstein, David and Noah Isackson. 2014. "The Truth about Chicago's Crime Rates: Part 1." *Chicago*. April 7.

Class 2 March 21 – Broken Windows Policing

Kelling, George L. and James Q. Wilson. 1982. "Broken Windows: The Police and Neighborhood Safety." *The Atlantic*. March 1.

Harcourt, Bernard. 2001. *Illusion of Order: The False Promise of Broken Windows Policing*. Cambridge, MA: Harvard University Press: Chapter 5.

Floyd et al. v. The City of New York. 2013. Case no. 1:08-cv-010034-SAS-HBP. Opinion and Order: 1-15.

**Week 9 – The Social Complications of Being Policed**

Class 1 March 26 – Guest Speaker

Goffman, Alice. 2009. "On the Run: Wanted Men in a Philadelphia Ghetto." *American Sociological Review* 74 (3): 339-257.

Other Readings TBA

Class 2 March 28 – In-Class Debate

**Debate 2:** Crime is a form of resistance.

**Assignment 2: Take Home Exam 2 Handed Out**

**Week 10 – SPRING BREAK**

Class 1 April 2 – Class Cancelled

No Class (Spring Break)

Class 2 April 4 – Class Cancelled

No Class (Spring Break)

**Section III: Punishment**

**Week 11 - The Court**

Class 1 April 9 – Dramas of Sovereignty and Resistance

Hay, Douglas. 1975. "Property, Authority and the Criminal Law." In *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, edited by Douglas Hay and et al. New York: Pantheon Books.

Mandela, Nelson. 2013 [1964]. "Speech from the Dock." In Clifton Crais and Thomas V. McClendon, eds. *The South Africa Reader: History, Culture, Politics*. Durham, NC: Duke University Press.

**DUE Take Home Exam 2**

Class 2 April 11 – Class Cancelled

No Class (CUNY Cancellation)

**Week 12 – Carceral States**

Class 1 Apr. 16 – Fear and Global Cultures of Control

Garland, David. 1996. "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society." *British Journal of Criminology* 36 (4): 445-471.

Simon, Jonathan. 2007. *Governing through Crime*. New York: Oxford University Press: Chapter 3.

Forman Jr., James. 2017. *Locking Up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus, and Giroux: Chapter 1.

Class 2 Apr. 18 – Rolling Back Welfare and Rolling Out the Prison

Wacquant, Loic. 2010. "Class, Race & Hyperincarceration in Revanchist America." *Daedalus* 139 (3): 74–90.

Wacquant, Loic. 2010. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke University Press: Chapter 5.

### **Week 13 – Prison Thought**

Class 1 Apr. 23 – Prison and Civil Disobedience

King Jr., Martin Luther. 1963. “Letter from a Birmingham Jail.” 16 April.

Newton, Huey P. 2009. *Revolutionary Suicide*. New York: Penguin Classics: Selections.

Class 2 Apr. 25 – The Intimacy of Prison Power

Soyinka, Wole. 1994. *The Man Died: Prison Notes of Wole Soyinka*. Random House: Selections.

### **Week 14 – The Politics of Prison Violence**

Class 1 Apr. 30 – The Economic Logic of Prison Gangs

Skarbek, David. 2011. “Governance and Prison Gangs.” *American Political Science Review* 105 (4): 702–16.

Denyer Willis, Graham. 2009. “Deadly Symbiosis? The PCC, the State, and the Institutionalization of Violence in Sao Paulo, Brazil.” In *Youth Violence in Latin America: Gangs and Juvenile Justice in Perspective*. Gareth A. Jones and Dennis Rodgers (eds.). New York: Palgrave Macmillan.

Class 2 May 2 – The Cultural Logic of Prison Gangs

Van Onselen, Charles. 1982. “The Regiment of the Hills – Umkosi Wezintaba.” In *Studies in the Social and Economic History of the Witwatersrand 1886-1914*. Vol. 2, New Nineveh. Johannesburg: Ravan Press.

Drybread, K. 2014. “Murder and the Making of Man-Subjects in a Brazilian Prison.” *American Anthropologist* 116 (4): 752-764.

### **Week 15 – Extra-Legal Punishment**

Class 1 May 7 – Lynching and Law in the United States

**GUEST SPEAKER:** Michael Pfeifer, John Jay College

Pfeifer, Michael J. *The Roots of Rough Justice*. Urbana: University of Illinois Press: Chapter 5.

Rushdy, Ashraf H.A. 2012. *American Lynching*. New Haven, CT: Yale University Press: Chapter 3.

Waldrep, Christopher. 2009. *African Americans Confront Lynching*. Lanham, MD: Rowman and Littlefield: Chapter 2.

Class 2 May 9 – Lynching and Law in Latin America

Goldstein, Daniel M. 2003. “‘In Our Own Hands’: Lynching, Justice, and the Law in Bolivia.” *American Ethnologist* 30 (1): 22–43.

Sieder, Rachel. 2011. “Contested Sovereignties: Indigenous Law, Violence, and State Effects in Postwar Guatemala.” *Critique of Anthropology* 31 (3): 161-184.

Krupa, Christopher. 2009. “Histories in Red: Ways of Seeing Lynching in Ecuador.” *American Ethnologist* 36 (1): 20–39.

**Week 16 – The Death Penalty**

Class 1 May 14 – Landmark Legal Decisions

Majority Opinion, *Gregg v. Georgia*, Case no. 74-6257, United States Supreme Court: Selections.

*The State vs. Makwanyane and M Mchunu*, Case no. CCT/3/94, Constitutional Court of South Africa: Selections.

Class 2 May 16 – In-Class Debate

**Debate 3:** Capital punishment is acceptable and sometimes necessary.

**Assignment 3: Take home exam 3 handed out**

**FINAL EXAM DUE: May 23 by 5pm**