

DEPARTMENT OF POLITICAL SCIENCE
BELLARMINE COLLEGE OF LIBERAL ARTS
LOYOLA MARYMOUNT UNIVERSITY

DETENTION AND INCARCERATION

Political Science (POLS) 592-01
Spring 2014, 4 Units, CRN: 75085
UPDATED: Jan. 15, 2014

Instructor: **Prof. Andrew Dilts**
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Office Hours: T/R, 10:00am – 12:00pm
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Class Meetings:
T/R, 4:30pm – 7:00pm
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COURSE INFORMATION

DESCRIPTION: This seminar course asks what punishment in the form of incarceration and detention means in a modern democratic state and what this particular form of punishment reveals about conceptions of personal responsibility and subjectivity in the Western tradition. To that end, the course offers an in-depth study of punishment theory, the history of the incarceration and detention as punitive forms, the social, economic, and political analysis of prisons, the lived experiences of prisoners, their families, and the workers employed by the United States prison system. The first part of the course will explore the dominant modern approaches to understanding punishment, covering Durkhiem, 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 and detention as they are 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. In this course, we will confront our assumptions about incarceration and detention in the US, and critically examine the ways in which we are already connected to, invested in, and increasingly dependent upon a criminal justice system that relies on the mass warehousing of people of color and socio-economically disadvantaged people.

STUDENT LEARNING OUTCOMES:

1. Students will develop knowledge of punishment theory, criminological theory, and social theory related to the practices of incarceration and detention.
2. Students will become familiar with state punishment in the United States, in how it is managed and practiced on their behalf as citizens;
3. Students will reflect on their own relationships to punitive institutions in the United States and develop and identify concrete strategies to address conditions of incarcerated and detained persons;
4. Students will improve their skills of deliberation and logical argumentation.
5. Students will improve their critical, argumentative, and interpretive writing skills.
6. Most importantly, students will develop their critical thinking skills and apply them to their political and social lives, allowing them to grow as persons and as critical citizens.

PREREQUISITES/RECOMMENDED BACKGROUND: Students should have completed POLS 220 and be familiar with the history of political thought. Preference will be given to students who have taken some combination of POLS 323, 324, 325, and 326 and who have already completed their Ethics and Justice core requirements.

COURSE REQUIREMENTS

This course is a 4-unit, upper-division course that fulfills the Political Science department's "seminar" requirement. This means that this course has **intensive reading requirements** and you will be held accountable for that reading with frequent writing assignments; it will require **multi-draft writing** throughout the semester; it will substantively focus attention on **methodological training** in political theory (by applying theoretical frameworks to empirical practices); it includes a **significant individual mentoring component**. To reflect these ends, the course has the following requirements:

- (1) You will give two **in-class presentations** with another student, once before spring break, and once in the second half of the semester. Presentations will last no longer than 15 minutes and will follow the presentation requirements distributed by the instructor.
- (2) You will submit **write a substantial research paper** during the semester. This paper must be formatted and submitted properly to receive full credit, as documented in the course paper requirements on the course website.
- (3) You will submit a **research paper prospectus**, including a clear statement of your thesis, an abstract, and an outline of proposed paper.
- (4) You will submit a rough draft of the research paper to the instructor and to your peers that will be used in a formal **peer-review** session, editing and commenting on two of your colleagues' paper drafts.
- (5) You will prepare an **annotated bibliography** supporting your research paper, turned in and updated at multiple points throughout the semester.
- (6) You will be held accountable to each other for the substantial course reading by **keeping a reading journal throughout the course**. To receive full credit, you must have substantive entries in your reading journal for **each** required reading, and prepare a reading question for each class meeting that demonstrates (a) completion of the reading assignment and (b) thought and reflection on the reading assignment. The grading criteria for these questions and the journals are discussed in detail below.
- (7) You must **attend class** and be an **active participant** in discussion. Because this is a text-driven course, you **must always bring a hard-copy of the day's reading to class and you must be prepared to publicly present your reading question in class**. If you are more than 5 minutes late to class, you will be marked as absent. If you do not bring your copy of the reading with you to class, you will be marked as absent.

GRADE BREAKDOWN:

Presentation 1	15%
Presentation 2	15%
Paper Prospectus:	5%
Annotated Bibliography:	10%
Research paper:	30%
Peer Review:	5%
Reading Questions:	10%
Attendance:	5%
Participation:	5%

GRADING SCALE:

A	93-100
A-	90-92
B+	88-89
B	83-87
B-	80-82
C+	78-79
C	73-77
C-	70-72
D	60-69
F	0-59

****Any student who receives a failing grade for attendance and participation will receive a failing grade for the class. Any student who has not turned in all paper drafts will receive a failing grade for the class.****

READING JOURNALS: Each student is required to keep a reading journal for this course. These journals will be randomly collected three times throughout the semester for grading. Each week you should have an entry for **each required reading and a reading question that you are ready to present in class**. A good

reading question is one that directly and explicitly engages with the text. Your question should directly refer to a specific passage, term, or concept that you are puzzled about, and it should offer your interpretation of the passage at hand. It should be focused on something that genuinely puzzles you in the reading, and which you can probably assume that others find puzzling or confusing as well.

In the unlikely event that students are not keeping up with the reading, the instructor reserves the right to add short reading quizzes without notice.

COURSE POLICIES

ATTENDANCE: Timely, prepared, and engaged attendance is required. Absences will only be excused in the case of illness or emergency. If there is a conflict between course participation and religious observance, please contact me in advance. It is not necessary to obtain prior approval from the instructor when missing a meeting is unavoidable, but note that students bear the *entire responsibility* for the decision to miss class and for whatever effect that may have on their course grade and their learning experience. Repeated absences and lateness will directly affect the discussion and attendance portion of a student's grade, as detailed in the course requirements section. Participation in class discussions will be evaluated on quality, quantity, and appropriateness of student questions and comments. Please note: it is just as possible to talk *too much* as it is to talk too little in class. Likewise, there is such a thing as active listening, and yes, your professors are capable of distinguishing this from passive listening. If you are worried about your the level and/or quality of your participation, the best thing to do is to come to office hours, where the professor can give you direct feedback throughout the semester, rather than at the end (when it is too late to change your behavior!).

RESPECT FOR OTHERS: Given the sensitive nature of the topics explored, a spirit of toleration and civility is crucial for classroom discourse. Students should respectfully listen to others' critiques and articulate responses in a thoughtful manner.

LATE PENALTIES: Assignments are accepted when they are due. Assignments must be turned in at the designated time and place. Failure to turn in an assignment on time is unacceptable except with the prior agreement of the instructor (which will be given only in exceptional circumstances). Except in documented cases of illness or emergency, a penalty of **up to a full letter grade** may be assessed for each day (24hrs) the assignment is late. When assignments are submitted electronically, this includes weekend days.

PLAGIARISM & ACADEMIC HONESTY: Academic dishonesty will be treated as an extremely serious matter. Proven plagiarism of any kind may result in automatic failure of the course, and will be referred to the University for further disciplinary action without exception. I reserve the right to submit your electronic document to plagiarism detection websites if necessary. It is **never** permissible to turn in any work that has been copied from another student or copied from a source (including the Internet) without properly acknowledging the source. It is your responsibility to make sure that your work meets the standard of academic honesty set forth in the "LMU Honor Code and Process" which appears in the LMU Bulletin 2013-2014. It is not permissible to turn in work for a class that has been previously submitted in part, or in whole, for credit in another course. Any doubts of questions related to this policy should be brought to your instructor as soon as they arise and before you turn in the work. You should also refer to the additional statement on academic honesty in the writing requirements posted on the course website.

GENDER NEUTRAL & GENDER SPECIFIC LANGUAGE, NAMES & ACCENTS: Academics no longer use the pronoun "he" to apply universally to all persons, nor do we use the term "man," when we are referring to humanity or people in general. In our writing, when we are making generalizations we should use gender neutral pronouns, that is, sie and hir, s/he, him or her, they/their, etc. When referring to a specific person or group of people, we should use the language and pronouns *that they prefer* if we know them. Further, we should be attentive to the spelling and accents of author's names. Finally, all authors must be referred to by their entire names, or only their last names, *not by their first names*, orally and in writing.

Where this is not possible (either because the claim you are making is gendered, or because you are relying on a text that uses gender-exclusive pronouns), you must explain why this is the case. Usually, this requires no more than a footnote (e.g. Rawls uses “he” or “mankind” as universals. Add a footnote at your first usage of his language, directly quoted or not, and say that you are following Rawls’ usage here, and do not mean to endorse his usage). You aren’t necessarily required to solve these problems, but you are required to make note these problems and signal your awareness of them.

EMAIL COMMUNICATION: At times I will communicate with the entire class using campus email systems, so it is essential that you regularly check your lion.lmu.edu email address or forward your lion account email to your preferred email address. I encourage you to contact me via email with questions about the course, the material we cover in class, and assignments.

You are expected to be professional in all communication with the instructor. All email communication should be in complete sentences with a proper salutation and conclusion. Treat the email more as a letter and less like a text message. Include a comprehensible subject heading (e.g. “POLS 327 paper question”), address and sign the email, making sure to identify what class you are in (usually instructors are teaching more than one class) and explain clearly what it is that you are inquiring about. Failure to do these will guarantee that you will not get a response. Also, unless I’ve explicitly stated otherwise, I generally check my faculty email only during normal business hours (more or less from 7am to 6pm).

Finally, here is a short list of things to which **I will not respond:**

- Questions that can be answered by checking the course syllabus or looking online.
- A request to know **if** you missed anything during an absence. (The answer is yes.)
- A request to know **what** you missed during an absence. (Instead of asking this through email, take the appropriate next steps to catch up: ask a classmate for notes, meet with me in my office hours, etc.)

TECHNOLOGY USE DURING CLASS: You are welcome to bring a computer or tablet to class provided that it enables you to engage *more* in the class discussion. You may also use a computer or tablet to help you take notes. Email, Twitter, Facebook, or anything at all that is not directly related to the *conversation* we are having will not be tolerated. Using a computer in this way during a seminar is rude and disrespectful to your classmates. **If you need to use a computer in class, you will be expected to post copies of your class notes on the class website immediately following the class session to share with others.** If you are not willing to do this, do not bring a computer with you.

Please note that E-Reserve texts should be *printed* and brought to class. Electronic/digital editions of the texts are not acceptable for this course.

There is no reason to use your phone. It should be **turned off and put away.** If your phone rings during class, be prepared for me to answer it for you, and you will be marked absent for the session.

OFFICE HOURS: I look forward to meeting with you all during regularly scheduled office hours, or by appointment when meeting during office hours is not possible. Students who would like to discuss issues raised in the course further than class discussions will permit, or students who encounter difficulties with the course or the assigned material, are especially encouraged to attend office hours. Students are strongly encouraged to schedule office hour appointments in advance and to keep those appointments promptly.

ACCOMMODATION: Loyola Marymount University is committed to equality in educational opportunity. Students with special needs as addressed by the Americans with Disabilities Act who need reasonable modifications, special assistance, or accommodations in this course should promptly direct their request to the Disability Support Services Office. Any student who currently has a documented disability (physical, learning, or psychological) needing academic accommodations should contact the Disability Services Office

(Daum Hall Room 224, 310-338-4535) as early in the semester as possible. All discussions will remain confidential. Please visit <http://www.lmu.edu/dss> for additional information.

TENTATIVE NATURE OF THE SYLLABUS: If necessary, this syllabus and its contents are subject to revision; students are responsible for any changes or modifications distributed in class or posted on MYLMU Connect

REQUIRED TEXTS

These texts will all be available for purchase from the bookstore. You are welcome to purchase them wherever you please or borrow them from the library, but *please use these editions of the texts* so that we are all literally on the same page during class. You will be expected to come to class with the text in hand. Some readings will be made available via electronic reserve in PDF format. You must **print** hard copies of these readings, i.e. do not bring your computer or e-reader in order to refer to the texts.

- David Garland, *Punishment and Modern Society* (Chicago), ISBN: 0226283828.
- Michel Foucault, *Discipline and Punish*, (Vintage), ISBN: 978-0679752554.
- Meda Chesney-Lind and Marc Mauer (eds.), *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New Press), ISBN: 978-1565848481.
- Marc Mauer, *Race to Incarcerate, Revised Edition* (New Press), ISBN: 978-1595580221.
- Angela Davis, *Are Prisons Obsolete?* (Seven Stories Press), ISBN: 978-1583225813.

Recommended:

- Michael Harvey, *Nuts and Bolts of College Writing* (Hackett, 2003), ISBN: 9780872205734.
- Stanley Chodorow, *Writing a Successful Research Paper* (Hackett, 2011), ISBN: 9781603844406.

TENTATIVE COURSE SCHEDULE

Week 1: Course Introduction and Overview

Week 2: Defining Punishment [91]

T Jan. 21:

- H.L.A. Hart, 1968, "Prolegomenon to the Principles of Punishment" in *Punishment and Responsibility*. Oxford: Oxford University Press. 1-27. [28]*
- Joel Feinberg, 1970, "Justice and Personal Desert." Chapter 4 in *Doing and Deserving*. Princeton: Princeton University Press. 55-94. [40]*
- David Garland, *Punishment and Modern Society*, Introduction and Chapter 1, pp. 1-22. [23]*

Week 3: Sociological Functions of Punishment 1: Solidarity and Authority [122]

T Jan. 28:

- Emile Durkheim, 1893 [1984], "Mechanical Solidarity, or Solidarity by Similarities." Chapter 2 in *The Division of Labor in Society*. New York: Free Press. 31-67. [37]*
- George Herbert Mead, 1918, "The Psychology of Punitive Justice" *The American Journal of Sociology*. Vol. 23, No. 5. 577-602. [26]*
- Garland, Chapters 2-3, pp. 23-81. [59]

Week 4: Sociological Functions of Punishment 2: Social Control

T Feb. 4:

- Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure*, selections TBA.

- Evgeny Pashukanis, 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, Chapters 4 and 5, pp. 83-130. [48]

Week 5: Foucault: Discipline and Punish: The Birth of The Prison [92]

T Feb. 11:

- Michel Foucault, 1975 [1977], *Discipline and Punish*. Part 1: Torture, 3-69. [67]
- Garland, Chapter 6, pp. 131-155. [25]

Week 6: Foucault: Discipline and Punish: The Birth of The Prison [153]

T Feb. 18:

- Foucault, Part 2: Punishment, 73-131. [59]
- Foucault, Part 3: Discipline, 135-228. [94]

Week 7: Foucault: Discipline and Punish: The Birth of The Prison [96]

T Feb. 25:

- Foucault, Part 4: Prison, 231-308. [78]
- Garland, Chapter 7, pp. 157-175. [18]

Suggested additional reading

- Michel Foucault, “What is this thing called Punishing?”*
- Michel Foucault, “Prison Talk.”*
- Michel Foucault, *Abnormal*, Lectures 1 and 2.*
- Michel Foucault, *Society Must be Defended*, Lecture 11.*
- David Garland, “Review: Foucault’s ‘Discipline and Punish’--An Exposition and Critique” *American Bar Foundation Research Journal*, Vol. 11, No. 4. (Autumn, 1986), pp. 847-880.*

Week 8: SPRING BREAK – NO CLASSES

Week 9: Where are we, and how did we get here?

T Mar. 11:

- Pew Center on the States, 2008, “1 in 100: Behind Bars in America 2008.” [37]*
- Bureau of Justice Statistics, 2013, “Correctional Populations in the United States, 2012.” *
- Marc Mauer, *Race to Incarcerate*, Chapters 1-6, pp. 1-129. [129]
- Todd Clear and Natasha Frost, *The Punishment Imperative*, Chapters 1 and 4, pp. 17-46, 71-112. [72]*
- Film: *House I Live In* (available online via Netflix, Apple, YouTube, Google and others).

Week 10: Mass Incarceration and the Prison Industrial Complex

T Mar. 18:

- Alexander Paterson, 1951, “Why Prisons?” in *Paterson on Prisons*. London: Frederick Muller. 21-29. [9]*
- David Garland, 2007, “The Meaning of Mass Imprisonment.” [3]*
- Norval Morris, 1995, “The Contemporary Prison: 1965-Present” In *The Oxford History of the Prison*, 202-231. [30]*
- Mike Davis, 1995, “Hell Factories in the Fields,” in *The Nation*. [5] *
- Eric Schlosser, 1998, “The Prison-Industrial Complex” in *The Atlantic*. [24]*
- Loic Wacquant, 2002, “From Slavery to Mass Incarceration” *New Left Review* 13. [20]*
- Katherine Beckett and Naomi Murakawa, 2012, “Mapping the shadow carceral state: Toward an institutionally capacious approach to punishment” in *Theoretical Criminology* 16: 221 [20]*

Week 11: “Life” and “Death”: Solitary Confinement, LWOP, and Capital Punishment [166]

T Mar. 25:

- Marie Gottschalk, 2011, “The Long Shadow of the Death Penalty: Mass Incarceration, Capital Punishment, and Penal Policy in the United States” in *Is the Death Penalty Dying?* Austin Sarat, ed, New York: Cambridge University Press, 292-321. [30]*
- Raymond Luc Levasseur, 1996, “Trouble Coming Every Day: ADX–The First Year” in *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings*, Ed. Joy James, pp. 45-55. [11]*
- Lorna Rhodes, 2004, “Controlling Troubles,” in *Total Confinement*, Berkeley: UCPress, pp. 21-60. [40]*
- Lisa Guenther, *Solitary Confinement: Social Death and its Afterlives*, Chapter 1 (pp. xi-xxvii) and Chapter 7 (pp. 161-194). [51]*
- Keremet Riter, 2012, “Parole, snitch, or die: California’s supermax prisons and prisoners, 1997–2007,” *Punishment and Society* 14(5) 530-563. [34]*
- Selected Statements from the Short Corridor Collective on the 2013 Pelican Bay Hunger Strike. *

Week 12: Race and Migration [134]

T Apr. 1:

- Mauer, Chapters 7-8, pp. 130-176 [47]
- Loic Wacquant, 2005, “Race as Civic Felony” [16]*
- Angela Davis, “Racialized Punishment and Prison Abolition” in *The Angela Davis Reader*, pp. 96-107 [12]*
- Nicholas De Genova, 2004, “The Legal Production of Mexican/Migrant ‘Illegality’” [26]*
- Mary Bosworth, 2007, “Identity, Citizenship, Punishment” in *Race, Gender and Punishment*. [8]*
- Miller, Teresa, 2002, “The Impact of Mass Incarceration on Immigration Policy.” in *Invisible Punishment*, 214-238. [25]*

Week 13: Gender and Sexuality [142]

T Apr. 8:

- Kathy Boudin, “Our Skirt” in *Doing Time: 25 Years of Prison Writing*. *
- Assata Shakur, 1978, “Women in Prison: How We Are,” in *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings*, Ed. Joy James,, pp. 77-89. [13]*
- Victoria Law, Resistance Behind Bars, Overview, pp. 1-18. [18]*
- Chesney-Lind, Medea, 2002, “Imprisoning Women: The Unintended Victims of Mass Imprisonment” in *Invisible Punishment*. 79-94. [16]*
- Richie, Beth, 2002, “The Social Impact of Mass Incarceration on Women” in *Invisible Punishment*. 136-149. [14]*
- Dorothy Roberts, 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. [42]*
- Stephen Dillon, 2012, “The Only Freedom I can See: Imprisoned Queer Writing and the Politics of the Unimaginable” in *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, Edinburgh: AK Press, 169-184. [16] *
- Clifton Goring/Candi Raine Sweet, 2012, “Being an Incarcerated Transperson: Should’t People Care?” in *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, Edinburgh: AK Press, 185-187. [3]*
- Lori Girshick, 2012, “Out of Compliance: Masculine-Identified People in Women’s Prisons,” in *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, Edinburgh: AK Press, 189-208. [20]*

Week 14: Class and Mental Health

T Apr. 15:

- Mauer, Chapter 9, 177-186 [10]*
- Jeffery Reiman, 2004, "... and the Poor Get Prison" in *The Rich get Richer and the Poor Get Prison*, pp. 103-147. [44]*
- Jalil Muntaqim, 1996, "The Criminalization of Poverty in Capitalist America (Abridged) in *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings*, Ed. Joy James, pp. 27-36. [10]*
- Film: *The New Asylums*, online at <http://www.pbs.org/wgbh/pages/frontline/shows/asylums/>
- Film: *The Released*, online at <http://www.pbs.org/wgbh/pages/frontline/released/>
- E. Fuller Torrey, 1997, "Deinstitutionalization: A Psychiatric "Titanic"". Excerpts from *Out of the Shadows*, New York: Wiley and Sons.* Online at <http://www.pbs.org/wgbh/pages/frontline/shows/asylums/special/excerpt.html>

Week 15: Collateral Consequences to Mass Incarceration

T Apr. 22:

- Mauer, Chapter 11, 195-207. [13]
- Rubinstein, Gwen and Debbie Mukamal. 2002. "Welfare and Housing - Denial of Benefits to Drug Offenders" in *Invisible Punishment*. 37-49. [13]
- Marc Mauer, 2002, "Mass Imprisonment and the Disappearing Voters." in *Invisible Punishment*. 50-58. [8]
- Vesla Weaver and Amy Lerman, 2010, "Political Consequences of the Carceral State" *American Political Science Review*, 104:4, 817-833. [17]*
- Braman, Donald. 2002. "Families and Incarceration" in *Invisible Punishment*. 117-135. [19]
- Western, Bruce, et. al. "Black Economic Progress in the Era of Mass Imprisonment." In *Invisible Punishment*. 165-180. [16]
- Huling, Tracy, 2002, "Building a Prison Economy in Rural America" in *Invisible Punishment*. 197-213. [17]
- Jon Marc Taylor, "Pell Grants for Prisoners" in *Doing Time: 25 Years of Prison Writing*. *

Week 16: Freedom, Abolition, and Justice

T Apr. 29:

- Angela Davis, *Are Prisons Obsolete?* (entire book).
- George Ciccariello-Maher and Jeff St. Andrews, "Every Crook Can Govern: Prison Rebellions as a Window to the New World. *
- Mary Louise Frampton, "Transformative Justice and the Dismantling of Slavery's Legacy in Post-Modern America," in *After the War on Crime*, pp. 207-221 [15]*
- Morgan Bassichis, Alexander Lee, and Dean Spade (2012), "Building an Abolitionist Trans and Queer Movement with Everything We've Got" in *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, Edinburgh: AK Press, pp. 15-40. [26]*
- Setsu Shigematsu, Gwen D'Arcangelis, and Melissa Burch, "Prison Abolition in Practice: The LEAD Project, The Politics of Healing, and 'A New Way of Life'" in *Abolition Now!: Ten Years of Strategy and Struggle Against the Prison Industrial Complex*, Oakland, CA: AK Press, 137-143. [7]*