MALS626
Punishment and Society ~ Spring 2020

Professor: Chrysanthi Leon, JD, PhD
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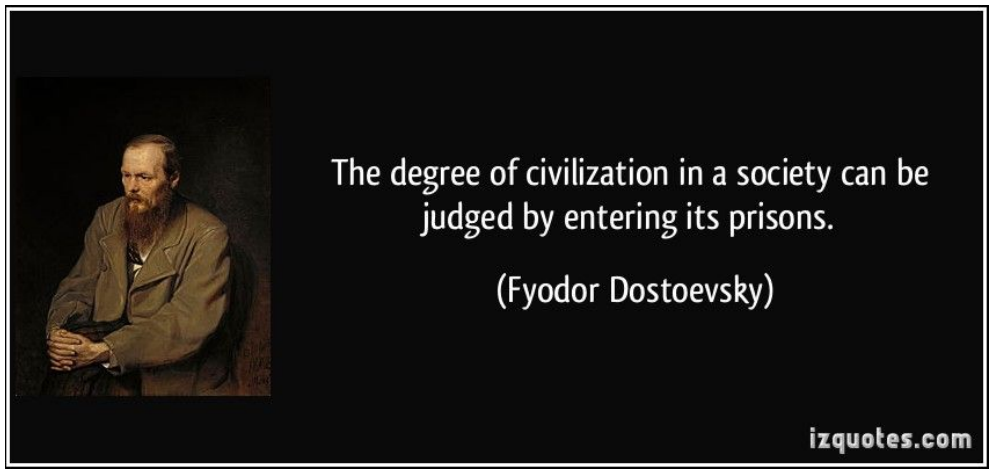
Tuesdays 6-9 PM Old College Room 325 (no class March 31st)



Required Readings are indicated in the schedule

You must bring the assigned readings with you to each class (in print or on a device). The assigned books (listed in order assigned) have been ordered through the college bookstore and are easily available to order through your favorite bookseller.

Sykes, G. M. (2007). ***The society of captives: A study of a maximum security prison.*** Princeton University Press. (originally published 1958—any version is ok)

Reiter, K. (2016). ***23/7: Pelican Bay prison and the rise of long-term solitary confinement***. Yale University Press.

Rhodes, L. A. (2004). ***Total confinement: Madness and reason in the maximum security prison***. Univ of California Press.

In addition, I will provide loaner copies of my edited volume:

Hail-Jares, K., Shdaimah, C. S., & Leon, C. S. (Eds.). (2017). ***Challenging perspectives on street-based sex work***. Temple University Press.

The additional assigned articles are available on Canvas, which I will go over during our first class.

Grading

Grading will be based on a combination of short writing assignments, class participation, and a final paper. Grades will be assigned for the following percentages: 100-90=A, 89=B+, 88-80=B, 79=C+, 78-70=C, 69-60=D, 59 and below=F. Each component will be given the following weight in your final grade:

Short writing assignments	45%
Class participation	25%
Take home exam or Final Paper	30%

Course Policies

In-class writing and other writing to learn

We all make sense of ideas differently, and for some of you writing about your own experiences, or creating poems or other fiction, may help you gain a deeper understanding of the work. At times I will provide prompts for short in-class writing assignments that you may choose to build on for inclusion in your portfolio (see below).

Reading Analysis & Participation

Students will engage in active reading and discussion.

Prepare for class by doing the reading and by preparing a written explanation of the most important points made in the reading. This should include identification of

- a key quote
- the argument/main idea
- method and data
- and implications

You will only need to be prepared to share or turn in your quote and an analytical question for each reading, but you should have written notes on each of the above points that you can use to have a good conversation in class.

Students will be prepared to be called on in class and to speak briefly about their questions or quotes, and to address the main ideas of the assigned reading (e.g. what was the author's argument? How does this relate to the last class discussion? Were you convinced by their analysis?). Even if class time is rarely used for this exercise, students are always expected to be prepared for it.

Note that you cannot receive the full participation credit (25% of your course grade) unless you have a good track record of consistently speaking up in class.

I have high expectations of your ability to keep up with the readings—generally we will cover material in class from the readings listed for that day on the schedule (e.g. you should have read the assignment for January 7 before class that day). I will give pop quizzes on occasion to be certain everyone is keeping up with the reading.

Universal Learning

I am committed to the principle of universal learning. This means that our classroom, our virtual spaces, our practices, and our interactions be as inclusive as possible. Mutual respect, civility, and the ability to listen and observe others carefully are crucial to universal learning.

Any student with particular needs may contact the Americans with Disabilities Act (ADA) Office for students with physical or emotional disabilities and/or the Academic Enrichment Center (AEC) for students with learning disabilities or ADHD , at the start of the semester. Their office will forward any necessary information to me. You and I can work out the details of any accommodations needed for this course.

Participation & Attendance

Participation accounts for a great deal of your course grade, and if you are absent you cannot participate (there are no "make-ups"). Thus, a student who misses more than three classes is unlikely to receive full credit. Note that films will be shown frequently, and guest speakers may join the class—this does not exempt students from regular participation responsibilities.

Per the University's policy on scheduling conflicts, you must notify me in writing by the second week of class of any conflicts relating to athletics, professional interviews, or other events which will require your absence.

Absences due to illness do not be substantiated with a doctor's note or dean's excuse UNLESS you will be requesting an incomplete for the course (not needed for individual assignments) You must simply accept from the outset that no matter how justified, any absences may impact your grade.

Class attendance is required except for excused absences. For the specific policy regarding excused absences see http://www.udel.edu/provost/fachb/III-1-1-attendance.html

Class Discussion

Some of you may not be accustomed to discussion-based classes, and therefore not realize the importance of class discussions for doing well on the essays. The topics I focus on and the questions I pose for discussion are pivotal for knowing how to write the short essays. If you have not written notes during the class discussions, you'll have missed a crucial resource.

Should we have to cancel class for weather or other reasons, a one-page assignment (typically a reading response or short online research project) will be posted on Canvas for you to complete and submit.

In class we will establish ground rules for courteous and considerate discussion--something which is especially important for emotionally-charged subjects like crime and punishment. In addition to the ground rules we establish, keep in mind the difference between offering an opinion grounded in relevant experience (which is often extremely useful) to sharing personal stories which may be uncomfortable or distracting. These rules shall apply to both in-class and virtual discussions.

Feel free to give your notes to a student who missed a class. But do not sell, give away, or otherwise make public the notes taken in my class on any of the various websites that facilitate this (or any other way that this is done). My class plans and comments are my intellectual property and are not for sale unless I sell them.

Academic Integrity, Plagiarism & Academic Dishonesty

Please familiarize yourself with UD policies regarding academic dishonesty. To falsify the results of one's research, to steal the words or ideas of another, to cheat on an assignment, to re-submit the same assignment for different classes, or to allow or assist another to commit these acts corrupts the educational process. Students are expected to do their own work and neither give nor receive unauthorized assistance.

Proper citation includes both direct quotes and paraphrasing—both require including some reference to the author, year of publication, and page number (or description of scene in the case of films). You will be marked down for failing to abide by this.

"It is the official policy of the University of Delaware that all acts or attempted acts of alleged student academic dishonesty be reported to the Office of Judicial Affairs. At the faculty member's discretion and with the concurrence of the student or students involved, some cases, though reported to the Office of Judicial Affairs, may be resolved within the confines of the course. All others will be adjudicated within the Undergraduate Student Judicial System." http://www.udel.edu/provost/fachb/III-1-d-dishonesty.html

This applies to posts on Canvas, group work, as well as traditional tests and assignments. In addition, I am very strict about reporting all incidents to the Office of Judicial Affairs— on average, I report one student per semester:

Complete details of the university's academic integrity policies and procedures can be found at http://www1.udel.edu/studentconduct/policyref.html Office of Student Conduct, 218 Hullihen Hall, (302) 831-2117. E-mail: student-conduct@udel.edu

Short writing assignments & Take home exam

Short assignments and the take home exam are posted on Canvas under the assignments tab. You must thoroughly support your answers with concrete, detailed examples from the course materials, which may include

films, class lectures and discussions as well as readings. All such materials must be cited with the material title, page number or date viewed/discussed. If you would prefer to write a final paper, contact me no later than April 15 to confirm the topic.

Make up work/additional extra credit: you may choose to write one additional essay (with a maximum of four submissions) to improve your grade.

Proper citation includes both direct quotes and paraphrasing—both require including some reference to the author, year of publication, and page number (or description of scene in the case of films). You will be marked down for failing to abide by this.

Harassment and Discrimination
The University of Delaware works to promote an academic and work environment that is free from all forms of discrimination, including harassment. As a member of the community, your rights, resource and responsibilities are reflected in the non-discrimination and sexual misconduct policies. Please familiarize yourself with these policies at http://www.udel.edu/oei . You can report any concerns to the University's Office of Equity & Inclusion, at 305 Hullihen Hall, (302) 831-8063 or you can report anonymously through UD Police (302) 831-2222 or the EthicsPoint Compliance Hotline at http://www1.udel.edu/compliance. You can also report any violation of UD policy on harassment, discrimination, or abuse of any person at this site: http://sites.udel.edu/sexualmisconduct/how-to-report/

Disclosures of Instances of Sexual Misconduct
For information on Sexual Misconduct policies, where to get help, and how to report information, please refer to www.udel.edu/sexualmisconduct. At UD, we provide 24-hour crisis assistance and victim advocacy and counseling. Contact 302-831-1001, UD Helpline 24/7/365, to get in touch with a sexual offense support advocate.

Inclusion of Diverse Learning Needs
Any student who thinks he/she may need an accommodation based on a disability should contact the Office of Disability Support Services (DSS) office as soon as possible. The DSS office is located at 240 Academy Street, Alison Hall Suite 130, Phone: 302-831-4643, fax: 302-831-3261, DSS Website (http://www.udel.edu/DSS/). You may contact DSS at dssoffice@udel.edu

Non-Discrimination
The University of Delaware does not discriminate against any person on the basis of race, color, national origin, sex, gender identity or expression, sexual orientation, genetic information, marital status, disability, religion, age, veteran status or any other characteristic protected by applicable law in its employment, educational programs and activities, admissions policies, and scholarship and loan programs as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and University policies. The University of Delaware also prohibits unlawful harassment including sexual harassment and sexual violence.

For questions or additional information, contact:
Danica Myers
Office of Equity and Inclusion
305 Hullihen Hall
Newark, DE 19716
(302) 831-8063
oei@udel.edu

For complaints related to Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act, please contact: Director, Office of Disability Support Services, Anne L. Jannarone, M.Ed., Ed.S. - ajannaro@udel.edu Alison Hall, Suite 130, Newark, DE 19716 (302) 831-4643 OR contact the U.S. Department of Education - Office for Civil Rights (https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm)

Getting in touch with me

Although I will eventually respond to every email message you send me, this is not the fastest way to reach me: in-person communication is best. I will try to be available before and after class, so please feel free to come up and chat and to stop by my office hours. You don't need to have a particular question; I would be glad just to hear more about your interests.

I will rely on our Canvas webpage to communicate with you about both substance and procedure. I may use Canvas or Zoom for online office hours and to answer your questions about the substance of the course. Pressing issues should be brought to my attention in person.

ACADEMIC HONESTY: University policies on academic honesty apply to all work done in this class. For specific policy, see http://www.udel.edu/judicalaffairs/polictyref.html

Tentative Schedule – Subject To Change!
Updated as of 1/5/2020

Week 1 **February 11**	## Introductions **1)** Overview of key issues in the class (recap of MALS public lecture) **2)** Getting to know each other **3)** Ground rules for Class Discussion **4)** Canvas course website and syllabus review as needed
Week 2 **February 18**	## Introductory Reading: Prison as a Society **5)** **REQUIRED**: Sykes, G. M. (2007). *The society of captives: A study of a maximum security prison*. Princeton University Press. (originally published 1958—any version is ok) *You should obtain and read this short, elegant book* ***RECOMMENDED*** Simon, J. (2000). The Society of Captives' in the era of hyper-incarceration. *Theoretical Criminology*, 4(3), 285-308. **6)** **REQUIRED**: Garland, D. (1991). Sociological perspectives on punishment. Crime and Justice, 14, 115-165. *This is a dense and challenging piece. Your goal is to have a basic idea of each of the four theorists that Garland presents, as well as an overall understanding of why sociological perspectives on punishment are helpful.* ## Selecting a Theoretical Tool and a Focus Topic **7)** **By February 20, Submit on Canvas (or email the professor) a one paragraph response (grounded in the readings) to each the following:** (1) How are prison and society related? (2) Which aspect of which theorist makes the most sense to you? (3) Skim the remainder of the syllabus and the recommended readings and select a tentative topic within the study of punishment. Tell me what you know about this topic now (does *not* need to be grounded in the readings yet)
Week 3	Prison as a Social Institution

February 25	Theoretical Toolkits: Law on the books vs law in action, Foundational Social Theory Case Study: US Women's Imprisonment over time **REQUIRED:** Bowler, A. E., Leon, C. S., & Lilley, T. G. (2013). "What Shall We Do with the Young Prostitute? Reform Her or Neglect Her?": Domestication as Reform at the New York State Reformatory for Women at Bedford, 1901–1913. *Journal of Social History*, *47*(2), 458-481. Kerrison, E. M. (2018). Risky business, risk assessment, and other heteronormative misnomers in women's community corrections and reentry planning. Punishment & Society, 20(1), 134-151 **RECOMMENDED:** Kruttschnitt, C. (2010). The paradox of women's imprisonment. *Daedalus*, *139*(3), 32-42. Maurutto, P., & Hannah-Moffat, K. (2006). Assembling risk and the restructuring of penal control. British Journal of Criminology, 46(3), 438-454
Week 4 **March 3** Class meets at 5:30-7:30, Mitchell Hall **to participate in the Defamation Experience, then adjourn for a seminar debriefing together (location TBD).**	As part of this year's Redding Lectures, our class will participate in the *Defamation Experience*: This production is a a three-phase interactive diversity program featuring: · A riveting courtroom drama by award winning playwright Todd Logan, which explores the highly charged issues of race, class, religion, gender, and the law · Deliberations in which the audience is the jury · A facilitated post-show discussion The program is approximately 2 hours (75 minutes court proceeding, 15 minute audience deliberation with the judge, followed by 30 minutes post show discussion) Theoretical Toolkits: Intersectionality, Critical Legal Scholars and Legal Consciousness **REQUIRED**: Crenshaw, K. W. (2011). From private violence to mass incarceration: Thinking intersectionally about women, race, and social control. *UCLA L. Rev.*, *59*, 1418. Gustafson, K. (2013). Degradation ceremonies and the criminalization of low-income women. UC Irvine L. Rev., 3, 297. **RECOMMENDED**: Wun, C. (2016). Against captivity: Black girls and school discipline policies in the afterlife of slavery. *Educational Policy*, *30*(1), 171-196. YOU MUST HAVE YOUR FOCUS TOPIC AND RELATED RECOMMENDED READINGS CONFIRMED BY TODAY.
Week 5 **March 10**	Theoretical Toolkits: Punishment and Bureaucracy; Reformist and Non-Reformist Reforms; Resistance and Friction, Legal Endogeneity Case Study: Solitary Confinement Case Study: Prisoner Grievances Case Study: PREA Case Study: Campus Sexual Assault/The research trajectory **REQUIRED:** Reiter, K. (2016). ***23/7: Pelican Bay prison and the rise of long-term solitary confinement***. Yale University Press. Rubin, A. T. (2015). Resistance or friction: Understanding the significance of prisoners' secondary adjustments. *Theoretical Criminology*, *19*(1), 23-42. **RECOMMENDED:**

	Rubin, A. T., & Reiter, K. (2018). Continuity in the face of penal innovation: revisiting the history of American solitary confinement. *Law & Social Inquiry*, *43*(4), 1604-1632. Dumond, R. W. (2006). The impact of prisoner sexual violence: Challenges of implementing public law 108-79 the prison rape elimination act of 2003. Journal of Legislation, 32(2), 142-164. Jenness, V., & Smyth, M. (2011). The passage and implementation of the Prison Rape Elimination Act: legal endogeneity and the uncertain road from symbolic law to instrumental effects. *Stan. L. & Pol'y Rev.*, *22*, 489. Leon, C. S. (2015). Law, mansplainin', and myth accommodation in campus sexual assault reform. U.Kan.L.Rev., 64, 987.

Week 6 March 17	Theoretical Toolkits: Moral Panic, Symbolic Punishment, Penal Harm, Stigma and Secondary Stigma Case Study: Prosecuting Rape Case Study: Sex Offender Punishment Case Study: Family Impact **REQUIRED:** Miller, S. L., Hefner, M. K., & Leon, C. S. (2014). Diffusing responsibility: A case study of child sexual abuse in popular discourse. *Children and Youth Services Review, 37*, 55-63. Frohmann, L. (1997). Convictability and Discordant Locales Reproducing race, class, and gender ideologies in prosecutorial decision-making. Law & Soc'y Rev., 31, 531. Grattet, R., & Jenness, V. (2005). The reconstitution of law in local settings: Agency discretion, ambiguity, and a surplus of law in the policing of hate crime Law & Society Review, 39(4), 893-942 **RECOMMENDED:** Boittin, M. L. (2013). New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China. Law & Society Review, 47(2), 245-278. Kilmer, A., & Leon, C. S. (2017). 'Nobody worries about our children': unseen impacts of sex offender registration on families with school-age children and implications for desistance. Criminal justice studies, 30(2), 181-201. Leon, C. S. (2011a). The contexts and politics of evidence-based sex offender policy. Criminology & Public Policy, 10(2), 421-430. doi:10.1111/j.1745-9133.2011.00717.x Leon, C. S. (2011b). Sex offender punishment and the persistence of penal harm in the U.S. International Journal of Law and Psychiatry International Journal of Law and Psychiatry, 34(3), 177-185. Rubin, G. (1984). Thinking sex: Notes for a radical theory of the politics of sexuality. Social perspectives in Lesbian and Gay Studies; A reader, 100-133. Herdt, G. (Ed.). (2009). Moral panics, sex panics: Fear and the fight over sexual rights (Vol. 8). NYU Press. Flood, M., Martin, B., & Dreher, T. (2013). Combining academia and activism: Common obstacles and useful tools. Australian Universities Review, 55(1), 17-26. Lynch, M. (2002). Pedophiles and cyber-predators as contaminating forces: The language of disgust, pollution, and boundary invasions in federal debates on sex offender legislation. Law and Social Inquiry, 27(3), 529. Corrigan, R. (2006). Making meaning of megan's law. Law and Social Inquiry, 31(2), 267-312. Corrigan, R. (2013). Up against a wall : Rape reform and the failure of success. New York: NYU Press. Wahab, S. (2002). "For their own good?": Sex work, social control and social workers, a historical perspective. Journal of Sociology & Social Welfare, 29

Week 7 **March 24**	Theoretical Toolkit: Disciplinary and pastoral power; Sociology of Professions and Sociology of Expertise Case Study: Problem-Solving Courts & Multidoor Justice **REQUIRED:** Rhodes, L. A. (2004). ***Total confinement: Madness and reason in the maximum security prison*** Univ of California Press**.** **RECOMMENDED:** Campbell, M. C., & Schoenfeld, H. (2013). The transformation of America's penal order: A historicized political sociology of punishment. American Journal of Sociology, 118(5), 1375-1423. Eyal, G. (2013). For a sociology of expertise: The social origins of the autism epidemic. American Journal of Sociology, 118(4), 863-907. Gal, T., & Dancig-Rosenberg, H. (2017). Characterizing community courts. Behavioral sciences & the law, 35(5-6), 523-539. Golder, B. (2007). Foucault and the genealogy of pastoral power. Radical philosophy review, 10(2), 157-76. Leon, C. S., & Shdaimah, C. S. (2019). "We'll Take the Tough Ones": Expertise in Problem-Solving Justice. New Criminal Law Review: An International and Interdisciplinary Journal, 22(4), 542-584. Valverde, M. (2010). Specters of Foucault in law and society scholarship. *Annual Review of Law and Social Science*, *6*, 45-59. **Borrow a copy of Challenging Perspectives; see Short writing assignment due March 26: TBD**
Week 8 **April 7**	Case Study: Prostitution We will read a selection of chapters from this edited volume, which brings together many voices. Hail-Jares, K., Shdaimah, C. S., & Leon, C. S. (Eds.). (2017). ***Challenging perspectives on street-based sex work***. Temple University Press. While we may as a class decide to divvy up the reading, for now plan to read: Introduction, chapters 1, 2, 5, 7, 9, 11. 12, 13, 14 and 16. **RECOMMENDED:** Beckett, K. (1996). Culture and the politics of signification: The case of child sexual abuse. Social Problems, 43(1), 57-76. Carline, A. (2011). Constructing the subject of prostitution: A Butlerian reading of the regulation of sex work. International Journal for the Semiotics of Law, 24(1), 61–78. http://dx.doi.org/10.1007/s11196-010-9192-7 Corrigan, R., & Shdaimah, C. S. (2015). People with secrets: Contesting, constructing, and resisting women's claims about sexualized victimization. Cath.UL Rev., 65, 429. Kempadoo, K., Sanghera, J., & Pattanaik, B. (2015). Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rightsRoutledge.
Week 9 **April 15**	Case Study: Mental Health and the Justice System Case Study: Civil Commitment Case Study: LGBT Punishment Experiences **REQUIRED**: Kerrison, E. M. (2018). Risky business, risk assessment, and other heteronormative misnomers in women's community corrections and reentry planning. *Punishment & Society*, *20*(1), 134-151. Vogler, S. (2018). Constituting the 'sexually violent predator': Law, forensic psychology, and the adjudication of risk. *Theoretical Criminology*, 1362480618759011. **RECOMMENDED:** Borchert, J. W. (2016). Controlling Consensual Sex Among Prisoners. *Law & Social Inquiry*, *41*(3), 595-615. Haney, C. (2017). "Madness" and penal confinement: Some observations on mental illness and prison pain. *Punishment & Society*, *19*(3), 310-326. Vogler, S. (2016). Legally queer: The construction of sexuality in LGBQ asylum claims. *Law & Society Review*, *50*(4), 856-889.

	Review the Take Home Exam questions for discussion in class
Week 10 **April 22**	Punishment Bureaucrats **REQUIRED:** Portillo, S., & Rudes, D. S. (2014). Construction of justice at the street level. Annual Review of Law and Social Science, 10, 321-334. Whittle, T. N. (2018). Conflict, adaption, and strategic defiance: Service providers' roles in constructing prisoner reentry through role adaption. Journal of Crime and Justice, 41(3), 276-293. doi:10.1080/0735648X.2017.1366929 **RECOMMENDED:** Jenness, V., & Smyth, M. (2011). The passage and implementation of the Prison Rape Elimination Act: legal endogeneity and the uncertain road from symbolic law to instrumental effects. Stan. L. & Pol'y Rev., 22, 489. Lipsky, M. (1971). Street-level bureaucracy and the analysis of urban reform. *Urban Affairs Quarterly*, *6*(4), 391-409. Bordt, R. L., & Musheno, M. C. (1988). Bureaucratic co-optation of informal dispute processing: Social control as an effect of inmate grievance policy. Journal of Research in Crime and Delinquency, 25(1), 7-26. Oberweis, T., & Musheno, M. C. (2001). Knowing rights : State actors' stories of power, identity, and morality. Aldershot, UK. ; Burlington, VT: Ashgate.
Week 11 **April 29**	Reform Efforts *Short film in class: The Road Home* **REQUIRED**: Philip Goodman, Joshua Page, & Michelle Phelps. (2017). Breaking the pendulum. US: Oxford University Press. --Read chapters 1 and 5 in provided excerpt (under review) Leon, Chrysanthi S. & Corey Shdaimah. "Targeted Sympathy in "Whore Court": Criminal Justice Actors' Perceptions of Prostitution Diversion Programs." (in press) Carter, TaLisa J. and Chrysanthi Leon. Book chapter: #ThemToo: Examining Sexual Harassment among Female Correctional Officers https://drive.google.com/file/d/0B6apm0HmCsJEUjZsUlVaNUR0eGVmWnJ5Vmx3N2dHbVpuUy1r/view?usp=sharing **RECOMMENDED:** Ekland-Olson, S., & Martin, S. J. (1988). Organizational compliance with court-ordered reform. Law & Soc'y Rev., 22, 359. Maruna, S., & Roy, K. (2007). Amputation or reconstruction? Notes on the concept of "knifing off" and desistance from crime. *Journal of Contemporary Criminal Justice*, *23*(1), 104-124.
Week 12 **May 5**	Prison Abolition, readings TBD
Week 13 **April 29**	No new readings. Class time reserved to catch up, debrief, and perhaps share a meal, details TBD.
May 22	Take home or final paper due