



Sociology
UNIVERSITY OF TORONTO

SOC6206H
Sociology of Crime and Law III: Punishment
Winter 2019

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COURSE DESCRIPTION:

The course is centered around four key concepts within the field of Criminology and the Sociology of Punishment. We will explore how the concepts of race, risk, spatial regulation and surveillance have shaped theories of punishment. Particular attention is paid to how neoliberal penal politics, actuarial risk and surveillance have resulted in mass incarceration and the targeting of racial minorities. We will analyze how marginalized populations and particular physical spaces are constructed as security risks in need of regulation. We also explore the limits of contemporary punishment theories.

Each of the weekly topics include required readings along with recommended list for students who wish to further explore a topic of interest. Several of the readings correspond to the comprehensive exam in the area of the Sociology of Crime and Law. Students are welcome to add readings to the recommended list.

ASSIGNMENTS:

Participation and Discussion Board: 10%

Each week, students are expected to review the required readings and submit questions for discussion by Tuesday 5:00 pm. The questions are to be posted on the blackboard discussion board.

Presentations: 10%

Students will be required to lead seminars. The presentation will a) address some of the questions posted to the discussion board as well as, b) relate the topic to an area of interest to the student or draw on an additional related article.

Reading responses: 40%

At the beginning of the semester, students will sign up for 4 reading responses (10% each). Each response should be approximately 3-4 pages, double-spaced. The responses ought to be more than a summary of the reading. They should focus on a critical question raised within the readings, relate the readings to an area of interest, or address some of the questions identified on the discussion board. The responses are due on the day of the lecture.

Essay: 40%
 Students have the option of writing 1) a critical literature review, 2) a research proposal or 3) a research paper. The critical literature review will incorporate readings from the required and supplemental reading list and any additional sources relevant to the topic. The research proposal will include a literature review, a statement of research questions and a detailed methods section outlining how data will be collected and analyzed. The research paper will involve an investigation of a topic related to the course and will normally incorporate original research. I will meet with each of you no later than week 8 of the semester to discuss your topic for the final paper.

COURSE READINGS:

January 9: Racial Foundations of Criminology

The following readings explore how racial classification was central to the founding of the discipline of criminology.

Beccaria, C. (1764). *On Crimes and Punishments*

Rafter, N. H. (1997). *Creating Born Criminals*. Chicago: University of Illinois Press. [Chapter 1.]

Recommended:

- Walby, Kevin and Nicolas Carrier (2010). The Rise of Biocriminology: Capturing observable bodily economies of ‘criminal man,’ *Criminology and Criminal Justice* 10(3): 261-285.
- Rocque, Michael and Chad Posick, Paradigm shift or normal science? The future of (biosocial) criminology, *Theoretical Criminology*, **21**, 3, (288), (2017).
- Rafter, N. H., Psychopathy and the Evolution of Criminological Knowledge, *Theoretical Criminology*, **1**, 2, (235), (1997).

January 16: Race, Class and Mass Incarceration

The articles blend political economic theories to understand the rise of mass incarceration. Wacquant asserts an approach that moves beyond traditional “crime and punishment” approaches. His work situates the mass incarceration of blacks in the US within neoliberal economic shifts that coincide with the decline of the welfare state.

Wacquant, L. (2001). “Deadly symbiosis: When ghetto and prison meet and mesh,” *Punishment and Society*, 3(1): 95-133.

De Giorgi, A. (2006). *Re-thinking the Political Economy of Punishment: Perspectives on post-Fordism and Penal Politics*. Aldershot: Ashgate, UK. (Introduction)

Eason, J. M. (2017). *Big House on the Prairie: Rise of the Rural Ghetto and Prison Proliferation*. Chicago: University of Chicago Press. (Introduction)

Recommended:

- Epp, C. R., Maynard-Moody, S., and Haider-Markel, D. P. (2014). *Pulled Over: How Police Stops Define Race and Citizenship*. Chicago: University of Chicago Press
- Owusu-Bempah, A. (2017). Race and policing in historical context: Dehumanization and the policing of Black people in the 21st century. *Theoretical Criminology*, 21(1):23–34
- Wacquant, L. (2009). *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Duke University Press
- Gilmore, R. (2007). *Golden Gulag: Prisons, Surplus, Crisis, and Resistance in Globalizing California*. University of California Press

January 23: Policing of Indigenous People

The overincarceration and punishment of Indigenous People is being described as a Canadian human rights crisis. We will explore how the Canadian state has constructed Indigenous Peoples histories, rights and protest as security problems to be managed.

Razack, S. (2014). “it happened more than once”: Freezing deaths in Saskatchewan. *Canadian Journal of Women and the Law*, 26(1):51–80.

Crosby, Andrew and Jeffrey Monaghan, *Policing Indigenous Movements: Dissent and the Security State*. Fernwood Publishing, 2018. (Introduction).

Recommended:

- Doob, A. N. and Sprott, J. B. (2007). The sentencing of aboriginal and non-aboriginal youth: Understanding local variation. *Canadian Journal of Criminology and Criminal Justice*, 49(1):109-123.
- Sherene Rasack. 2015. *Dying From Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*. Toronto: University of Toronto Press.
- Martel, Joane, Renée Brassard, Mylène Jacoud (2011) "When Two Worlds Collide: Aboriginal Risk Management in Canadian Corrections", *British Journal of Criminology*, vol. 51(2), pp. 235-255.
- Maurutto, P. and K. Hannah-Moffat. (2016) “Racial Knowledges and the Framing of Legal Subjects: An examination of Gladue Court.” *Canadian Journal of Law and Society*, 31(3): 451-471
- Turnbull, S., (2014) “Aboriginalising the Parole Process: ‘Culturally Appropriate’ Adaptations and the Canadian Federal Parole System”, *Punishment & Society* 16(4): 385-405.

January 30: The Neoliberal Punitive Turn

Beginning in the late 1980s and 1990s, sociologists and criminologists have described a new epoch in crime control. They variously described this new epoch as “the risk society” (Beck), “the culture of control” (Garland), “actuarial justice” (Feeley & Simon), and “advanced neo-liberalism” (Rose). Many of these approaches were influenced by Foucault’s theories of regulation.

Garland, David (2001) "Introduction," *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.

Foucault, M. (1977) *Discipline and Punish: the birth of the prison*. Vintage Books.
[Select chapters]

Recommended:

- Crawford, Adam (2006) "Networked governance and the post-regulatory state?" *Theoretical Criminology* 10(4): 449-479.
- Zedner, L. (2006) "Policing Before and After the Police: The historical antecedents of contemporary crime control," *British Journal of Criminology* 46:78-96.
- Voruz, Véronique (2005), "The politics of the culture of control: undoing genealogy," *Economy and Society*, Volume 34, Number 1:154-172.
- Garland, David (2000), "The culture of high crime societies: some preconditions of recent 'law and order' policies," *British Journal of Criminology*, 40(3): 347-375.
- Garland, David (2003), "The Rise of Risk," in R. Ericson (ed). *Risk and Morality*. Toronto: University of Toronto Press.
- O'Malley, Pat (2004), *Risk, Uncertainty and Government*. Glass House.
- Hudson, Barbara (2003), *Justice in the Risk Society*. London: SAGE.
- Beck, Ulrich (1999), *World Risk Society*. Polity Press.
- B. Hutter and M. Power, eds. (2005), *Organizational Encounters with Risk*. Cambridge: Cambridge University Press, 67-91
- Power, M. 2004. *The Risk Management of Everything: Rethinking the Politics of Uncertainty*. London: Demos.
- Douglas, Mary (1999) *Risk and Blame*. London: Routledge.

February 6: Crime Control in the Risk Society

This class will examine how the concept of risk has been used to describe contemporary forms of social control and governance.

O'Malley, P. (2002). Globalizing risk? *Criminal Justice*, 2(2):205–222.

Feeley, Malcolm & Jonathan Simon (1992), "The New Penology: Notes on the emerging strategy of corrections and its implications," *Criminology* 30(4): 449-474.

Simon, Jonathan (2008) "From the New Deal to the Crime Deal," in M. L. Frampton, I. H. Lopez, and J. Simon (eds.) *After the War on Crime*. New York: New York University Press.

Recommended:

- Pratt, J. (1995). Dangerousness, risk and technologies of power. *Australian & New Zealand Journal of Criminology*, 28(1):3–31
- O'Malley, Pat (2010) "Risk and Crime Control," *Crime and Risk*. Los Angeles, Sage.
- Garland, D. (2003). Penal modernism and postmodernism. In Blomberg, T. G. and Cohen, S., editors, *Punishment and Social Control*, pages 45–71. New York: Aldine de Gruyter
- Gottschalk, M. (2006). *The Prison and the Gallows: The Politics of Mass Incarceration in America*. New York: Cambridge University Press

- Simon, J. (2007). *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press
- Page, J. (2011). *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California*. New York: Oxford University Press
- Ericson, R and A. Doyle (2003) *Risk and Morality*. Toronto: University of Toronto Press
- Anderson, Leon and Michelle Brown (2010) “Expanding Horizons of Risk in Criminology,” *Sociology Compass* 4 (8): 544-554.
- Coaffee, Joan (2003) *Terrorism, Risk and the City*. London: Ashgate.
- Shichor, David (2000), “Penal policies at the threshold of the twenty-first century,” *Criminal Justice Review*, vol. 25, no. 1, pp. 1-30.

February 13: Actuarial Justice and Risk Management

The articles introduce opposing debates regarding the use of risk assessments. They focus on the production of risk knowledges through actuarial techniques and their implications on social control and regulation. We will examine the extent to which local political cultures and social conditions shape the nature of risk-based forms of regulation.

Required:

Andrews, D. A. and Craig Dowden, (2007) “The Risk-Need-Responsivity Model of Assessment and Human Service in Prevention and Corrections,” *Canadian Journal of Criminology*.

Maurutto, P. and K. Hannah-Moffat (2006) “Assembling Risk and the Restructuring of Penal Control,” *British Journal of Criminology* 46(3): 438-454.

Recommended:

- Hannah-Moffat, K. (2005). Criminogenic needs and the transformative risk subject: Hybridizations of risk/need in penalty. *Punishment & Society*, 7(1):29–51
- Hannah-Moffat, K. and P. Maurutto (2010). “Restructuring Pre-sentence Reports: Race, Risk and the PSR,” *Punishment and Society*, 12(3):262-286.
- Maurutto, P. and K. Hannah-Moffat (2007). “Understanding Risk in the Context of the Youth Criminal Justice Act,” *Canadian Journal of Criminology and Criminal Justice* 49: 465-492.
- Feeley, M. and J. Simon. 1994. ‘Actuarial Justice: The Emerging New Criminal Law,’ in D. Nelken, ed., *The Futures of Criminology*. London: Sage, 173-201.
- Kemshall, H. 2003. *Understanding Risk in Criminal Justice*. Maidenhead: Open University Press
- Rosenfeld, R. (2011) “From Mass Incarceration to Targeted Policing: Introduction to the Special Issue,” *Criminology and Public Policy* 10(1): 3-54. (see series of articles in this special issue)
- Harcourt, B. (2007) *Against Prediction: Profiling, policing and punishing in an actuarial age*. Chicago: University of Chicago Press.
- Cameron, H.E. (2008) “Risk Theory and ‘Subjective Fear’: The Role of Risk Perception, Assessment, and Management in Refugee Status Determinations,” *International Journal of Refugee Law* 20(4):1-19
- O’Malley, P. 2004. *Risk, Uncertainty and Government*. London: Gladstone Press.
- Sheldon, Randall G. & Brown, William B. (2000). “The crime control industry and the management of the surplus population” *Critical Criminology*, vol. 9, no. 1/2, pp. 39-62.

February 27: The Boundaries of Punishment

The articles question whether the field of criminology and sociology ought to broaden its understanding of punishment. They explore the blurring of the boundaries between criminal, civil and administrative processes.

Zedner, L. (2016). Penal subversions: When is a punishment not punishment, who decides and on what grounds? *Theoretical Criminology*, 20(1):3–20.

Hannah-Moffat, K. and Lynch, M. (2012). Theorizing punishment's boundaries: An introduction. *Theoretical Criminology*, 16(2):119–121.

Recommended:

- Campbell, M. C. and Schoenfeld, H. (2013). The transformation of America's penal order: A historicized political sociology of punishment. *American Journal of Sociology*, 118(5):1375–1423
- Lynch, M. (2011). Mass incarceration, legal change, and locale. *Criminology & Public Policy*, 10(3):673–698
- Goodman, P., Page, J., and Phelps, M. (2017). *Breaking the Pendulum: The Long Struggle Over Criminal Justice*. New York: Oxford University Press
- Braithwaite, J. (2003). What's wrong with the sociology of punishment? *Theoretical Criminology*, 7(1):5–28
- Zedner, Lucia (2010) "Security, the state and the citizen: The changing architecture of crime control," *New Criminal Law Review* 13(2):379-403.

March 6: Broken Windows and Policing Disorder

The readings explore the popularity of broken windows and zero tolerance policing and how it fostered policing of disorder.

Kelling, George L. & William J. Bratton, "Declining crime rates: Insiders' views of the New York City story," *Journal of Criminal Law and Criminology*, (Summer 1998).

Beckett, K. and Herbert, S. (2010). Penal boundaries: Banishment and the expansion of punishment. *Law & Social Inquiry*, 35(1):1–38.

Beckett, Katherine and Steve Herbert. (2008). "The Punitive City Revisited: The Transformation of Urban Social Control," in M. L. Frampton, I. H. Lopez, and J. Simon (eds.) *After the War on Crime*. New York: New York University Press.

Recommended:

- Akers, R. L. (1990). Rational choice, deterrence, and social learning theory in criminology: The path not taken. *J. Crim. L. & Criminology*, 81:653
- Scheingold, S. (1984). *The Politics of Law and Order: Street Crime and Public Policy*. New York: Longman
- Harcourt, B. & J. Ludwig (2006) "Broken Windows: New Evidence from New York City and a Five-City Social Experiment," *University of Chicago Law Review* 73.
- Beckett, K. (1997). *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford University Press

- Tittle, C. R. (1977). Sanction fear and the maintenance of social order. *Social Forces*, 55(3):579–596
- Anderson, L. S., Chiricos, T. G., and Waldo, G. P. (1977). Formal and informal sanctions: A comparison of deterrent effects. *Social Problems*, 25(1):103–114.
- Kelling, George L. & William J. Bratton (2001), "'Broken Windows' and the Culture Wars: A Response to Selected Critiques," in Matthews Roger; Pitts John (eds). *Crime, disorder and community safety*. London; New York: Routledge.
- Hancock, Lynn (2003), "Urban Regeneration and Crime Reduction: Contradictions and Dilemmas" in Young, Jock, John Lea and John Pitts (eds.) *The new politics of crime and punishment*. Cullompton, Devon, UK: Willan.
- Eck, J. and E. Maguire (2006) "Have Changes in Policing Reduced Violent Crime?" in A. Blumstein and J. Wallman (eds.) *The Crime Drop in America*. Cambridge University Press.
- Steinberg, Jonny (2011) "Crime Prevention goes abroad: Policy transfer and policing in post-apartheid South Africa," *Theoretical Criminology* 15(4): 349-364.
- Payne, B. K. & Berg, B. L. & Sun, I. Y. (2005). "Policing in small town America: Dogs, drunks, disorder, and dysfunction," *Journal of Criminal Justice*, vol. 33, no. 1, pp. 31-41.
- Websdale, Neil (2001). *Policing the poor: From slave plantation to public housing*. Boston, MA: Northeastern University Press.

March 13: Spatial Regulation

The regulation of space and its association with crime has emerged as a critical theme in criminology and socio-legal studies. The articles draw attention to the intersection between crime and the regulation of private and public spaces.

Shearing, Clifford D. and Philip C. Stenning (1985), "From the *Panopticon* to Disney World: The Development of Discipline," in A. Doob, *Perspectives in criminal law: essays in honour of John LL. J. Edwards*. Aurora, Ont: Canada Law Book.

Von Hirsch, Andrew and Clifford Shearing (2000), "Exclusions from public space," in A. von Hirsh, D. Garland & A. Wakefield (eds.) *Ethical and Social Perspectives on Situational Crime Prevention*. Portland: Hart Publishing.

Recommended:

- Davis, M. (1998). *Ecology of Fear: Los Angeles and the Imagination of Disaster*. New York: Henry Holt
- Sampson, R. J. and Raudenbush, S. W. (1999). Systematic social observation of public spaces: A new look at disorder in urban neighborhoods. *American Journal of Sociology*, 105(3):603– 651.
- Landman, Karina and Martin Schonteich, (2002) "Urban Fortresses: Gated communities as a reaction to crime," *African Security Review* 11:4.
- Tshela, Boyane (2003). "Barricaded in the suburbs: Private security via road closures," *SA Crime Quarterly*, vol. 6, pp. 17-20.
- Beckett, K. and S. Herbert (2010) *Banished: The New Social Control in Urban America*. New York: Oxford University Press
- Miao, P (2003). "Deserted streets in a jammed town: The gated community in Chinese cities and its solution," *Journal of Urban Design*, vol. 8, no. 1, pp. 45-66.
- Blakely, Edward J & Snyder, Mary Gail (1997). "Fortress America: gated communities in the United States," in Nan Ellin (ed.) *Architecture of Fear*. New York: Princeton Architectural Press, 1997.

- Coaffee, Joan (2003) *Terrorism, Risk and the City*. London: Ashgate.
- Garland, David (2000). *Ethical and social perspectives on situational crime prevention*. Portland, OR: Hart Publishing. (Chap 3)
- Lersch, Kim Michelle (2004). *Space, time, and crime*. Durham, NC: Carolina Academic Press, 2004.
- Colquhoun, I (2004). "Design out crime: Creating safe and sustainable communities," *Crime Prevention and Community Safety: An International Journal*, vol. 6, no. 4, pp. 57-70.

March 20: Theorizing Surveillance

The readings for this seminar examine the dominant models of surveillance including, George Orwell's *1984* depiction of "big brother," Michel Foucault's use of Benethom's "panopticon," and Ericson and Haggerty's "surveillance assemblage."

David, Lyon (2001), "Understanding Surveillance," *Surveillance Society: Monitoring everyday life*. Buckingham, U.K.: Open University Press.

Foucault, Michel (1977), "Panopticism," *Discipline and punish: the birth of the prison*. Vintage Books.

Haggerty, Kevin & Ericson, Richard (2000), "The surveillant assemblage," *British Journal of Sociology*, Vol. 41, No. 4: 605-622.

Recommended:

- Bauman, Zygmunt and David Lyon (2013) *Liquid Surveillance*. Cambridge: Polity Press.
- Alhadar, Ibrahim and Michael McCahill (2011) "The use of Surveillance Cameras in a Riyadh Shopping Mall: Protecting profits or protecting morality?," *Theoretical Criminology* 15(3): 315-330.
- Coleman, Roy (2003), "Images from a neoliberal city: The state, surveillance and social control," *Critical Criminology*, 12(1): 21-42.
- Haggerty, K., D. Wilson & G. Smith (2011) "Theorizing Surveillance in Crime Control," *Theoretical Criminology* 15(3): 231-237.
- Lyons, David & David Murakami Wood (2012) Special Issue: Surveillance and Security, *Canadian Review of Sociology*.
- Lyons, David (2007) *Surveillance Studies: An Overview*. Cambridge: Polity Press.
- Whitaker, Reginald (1999). *The End of Privacy : how total surveillance is becoming a reality*. New Press.
- Bennett, C. (2005) "What Happens When You Book an Airline Ticket? The Collection and Processing of Data Post-9/11," in E. Zureik and M. Salter, eds., *Global Surveillance and Policing: Borders, Security, Identity*. Cullompton: Willan.
- Haggerty, K. and R. Ericson (eds.). 2006. *The New Politics of Surveillance and Visibility*. Toronto: University of Toronto Press.
- Orwell, George (1949). *Nineteen eighty-four*. Clarendon Press.
- McGrath, J. E. (2004). *Loving big brother: Performance, privacy and surveillance space*. London, United Kingdom: Routledge.

March 27: Crimmigration, Detention and the Regulation of Borders

The readings examine how new security measures and the regulations of national borders. We will consider the impact of the regulation on configurations of citizenship and due process rights.

Bosworth, M. (2012). Subjectivity and identity in detention: Punishment and society in a global age. *Theoretical Criminology*, 16(2):123–140

Barker, V. (2017). Penal power at the border: Realigning state and nation. *Theoretical Criminology*, 21(4):441–457

van der Woude, M., Barker, V., and van der Leun, J. (2017). Crimmigration in Europe. *European Journal of Criminology*, 14(1):3–6.

Recommended:

- DiGiorgi, A. (2010) “Immigration control, post-Fordism, and less eligibility: A materialist critique of the criminalization of immigration across Europe,” *Punishment and Society* 12(2):147-167.
- Aas K. (2001) “‘Crimmigrant’ bodies and the bona fida traveller: Surveillance, citizenship and global governance,” *Theoretical Criminology* 15(3): 331-346.
- Rygiel, Kim (2012) “Governing mobility and rights to movement post 9/11: Managing irregular and refugee migration through detention,” *Review of Constitutional Studies*, 16(2): 211-241.
- Dembour, M-B and Kelly T. (eds.) (2001) *Are Human Rights for Migrants: Critical Reflections on the status of Irregular Migrants in Europe and the United States* Abingdon: Routledge.
- B. Nagra and P. Maurutto. (2016) “Crossing Borders and Managing Racialized Identities: Experiences of security surveillance among young Muslim Canadians.” *Canadian Journal of Sociology*, 41(2): 165-194.
- Pratt, A. (2010) “Between a Hunch and a Hard Place: Making Suspicion Reasonable at the Canadian Border,” *Social and Legal Studies* 19(4): 461-480.
- Bosworth, Mary and Mhairi Guild (2008) “Governing through migration control,” *British Journal of Criminology*. 48:703.
- Bosworth, Mary, (2008) “Border control and the Limits of the sovereign state” *Social and Legal Studies* 17:199.

April 3: Big Data Surveillance

Chan, Janet and Lyria Bennett Moses (2016) Is Big Data Challenging Criminology? *Theoretical Criminology*, 20(1): 21-39.

Ferguson, Andrew Guthrie (2017) *The Rise of Big Data Policing: Surveillance, Race and the Future of Law Enforcement*. New York University Press. Introduction.

Hannah-Moffat, Kelly (2018) Algorithmic risk governance: Big data analytics, race and information activism in criminal justice debates, *Theoretical Criminology*

Recommended:

- Brayne, Sarah. (2017) "Big Data Surveillance: The Case of Policing". *American Sociological Review*. 82(5): 977 – 1008.
- Chan, Janet and Lyria Bennett Moses (2017) Making Sense of Big Data for Security, *British Journal of Criminology*, 57: 299-319.
- Williams, Matthew L.; Burnap, Pete; Sloan, Luke. (2017) "Crime Sensing With Big Data: The Affordances and Limitations of Using Open-source Communications to Estimate Crime Patterns". *The British Journal of Criminology*, 57(2): 320 – 340.
- Smith, Gavin J. D.; Bennett Moses, Lyria; Chan, Janet. (2017) "The Challenges of Doing Criminology in the Big Data Era: Towards a Digital and Data-driven Approach". *The British Journal of Criminology*, 57(2): 259-274.