

Comparative Crime and Punishment, Fall 2016
Criminal Justice 01:202:496:01
Mon and Thurs, 2:50-4:10pm, AB 3450

Professor Lisa L. Miller
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Office hours: 1-2:30pm M/Th CAC
<http://sakai.rutgers.edu>
[Please use the private message link on sakai,
not my email address, to contact me online]

The United States has the highest incarceration rate in the democratic world, and imprisonment falls disproportionately on racial minorities and the poor. Why is this? Is there something distinctive about American culture, politics or society that produces these outcomes? Are we simply a more crime-prone people, a more punitive people, a more racist people, that willfully impose exceptionally harmful sanctions on even low-level offenders?

In this class, we will explore the US case in a comparative context, seeking to understand variation in imprisonment in democratic countries. In order to do this, we will seek to understand what factors contribute to imprisonment, how and with what consequences crime becomes a political issue and what extremely high rates of violence and incarceration can tell us about politics and inequality more generally in the United States, compared to other democratic countries.

In the first half of the class, we will examine the realities of incarceration and violence in the US and explore some of the explanations that scholars have offered for these outcomes. We will compare the US to other countries broadly but focus primarily on understanding the US. In the second half of the course, we will look more closely at rates of crime and punishment in other democratic countries, which are generally much lower than in the US, and try to understand what explains these differences. We will use crime and punishment issues to think more broadly about comparative democratic systems, inequality and race. The course has four main requirements: class participation, in-class midterm, book analysis and a final paper.

Academic Integrity

“Academic freedom is a fundamental right in any institution of higher learning. Honesty and integrity are necessary preconditions of this freedom. *Academic integrity requires that all academic work be wholly the product of an identified individual or individuals. Joint efforts are legitimate only when the assistance of others is explicitly acknowledged.* Ethical conduct is the obligation of every member of the University community, and breaches of academic integrity constitute serious offenses.”
<http://teachx.rutgers.edu/integrity/policy.html#Integrity> (emphasis added)

I expect that all of the work you hand in to me is work that you have produced on your own and that any information you obtain from other sources is properly cited. While I encourage students to study together, when you submit work for this class, it must be wholly your own. If you have any questions or concerns about plagiarism, please see the university policy on academic integrity at the URL above or see me. Plagiarizing someone else’s work (including cheating on exams) will result in a failing grade and suspected violations of academic integrity will be referred to the appropriate Dean for investigation. If you have any questions or concerns about my expectations, please do not hesitate to ask me.

You should also be familiar with the following websites:

University Office: <http://academicintegrity.rutgers.edu>

Office of Student Conduct: <http://judicialaffairs.rutgers.edu>

Disability Accommodation

“Rutgers University is committed to providing an environment where all students can equally participate in the academic experience. The accommodation of students with disabilities who meet admissions requirements is mandated by both federal and state law. Rutgers University supports these laws by pledging to comply with their requirements.”

<http://www.rci.rutgers.edu/~polcomp/fachand.shtml#sec1>

If you anticipate needing any type of reasonable accommodation in this course or have questions about accessibility, please contact me immediately.

Reading and assignments

Required readings

There are two books for this class. All other readings are in article form and are listed alphabetically on the sakai site for the class under Resources, or are available as URLs.

- 1) Alexander, Michelle, *The New Jim Crow*
- 2) Zimring, Franklin and Gordon Hawkins, *Crime is not the problem*

Each week has a set of questions, which you should come to class prepared to answer. Whether you do all of the readings and review all of the data sources, or focus more selectively on answers to the week’s questions is up to you. Some weeks ask general questions and some are more specific to the assigned texts (especially the two books, Alexander and Zimring/Hawkins). The point is to *do your work before class and come prepared to answer the week’s questions*, and to be able to reference the sources of your information.

Assignments

Participation (10%): Class participation is required and only quality contributions will count for participation credit. If you have not done the readings, please do not be an aggressive participant as your remarks will not be as helpful for our discussion as those of your peers who are prepared.

Midterm (30%): This is an in-class exam that will take place on **October 27th**. The exam will involve several short answer questions addressing facts about crime and imprisonment cross-nationally, as well as a longer essay question addressing some of the theories that explain these realities.

Book analysis (25%): Due **November 21st**. This assignment involves selecting a book from the suggested reading list (end of the syllabus) or a different book that is approved by me. You may not use a book you are reading for another class just because it has something to do with crime or criminal justice! It must relate to this class and I will make that determination. I will provide more information in class but there are two crucial elements of a book review. First, a clear and cogent summary of the book’s main arguments and second, an incisive assessment of them. The second part is particularly challenging. I will post some book reviews on the sakai site as example and will discuss them more in class. The length is 4-6 pages.

Final paper (35%): Due. This is a 12-15 page paper that addresses the primary class theme: what explains high rates of imprisonment in the US? The paper will draw primarily on class material, as well as the outside book you read, as well as presentation of data comparing the US on crime (violence) and imprisonment with two other countries. We will discuss details on the paper in class.

Class schedule

Part I: Understanding the U.S.

Week one: Thursday Sept 8th: Introduction to class themes

What do US rates of violence and imprisonment look like compared to other countries? Why is the US such an outlier? This first class will explore the explanations and assumptions we each bring to the class and think about how researchers might go about finding answers to these questions.

Week two: Monday, Sept 12th and Thursday, Sept 15th: Just how bad is it? Media and moral panic

How much higher are US incarceration rates relative to other countries? What are some of the explanations for these differences? How would you begin to sort out the accuracy of these different explanations?

Readings

Mauer, “Comparative international rates of incarceration”

Tonry, “Determinants of Penal Policy”

Alexander, Michelle, Intro and chapter 1

Gopnik, Adam, “The Caging of America”

Glassner, “Why Americans are afraid of the wrong things”

Data sources

Prison Policy Initiative: <http://www.prisonpolicy.org/>

World Prison Brief: <http://www.prisonstudies.org/>

Global Study on Homicide (sakai)

Week three: Mon Sept 19th and Thursday Sept 22nd: Race and racism

What is Alexander’s argument about high rates of imprisonment of African-Americans in the U.S.? Is her theory one that seeks to explain mass incarceration generally, or just the imprisonment of minorities? How does Forman complicate Alexander’s claims? How does the historical context help us understand these issues? What do you think is more or less persuasive about these arguments? What kind of evidence would support one argument or the other?

Readings

Alexander, *The New Jim Crow*, Introduction and chapters 2-4

Forman, James, “Racial Critiques of New Jim Crow”

Zelizer, Julian, “Is America Repeating the Mistakes of 1968?”

Data sources (continued on next page)

The Sentencing Project, racial disparities: <http://www.sentencingproject.org/issues/racial-disparity/>

Bureau of Justice Statistics, traffic stops: <http://www.bjs.gov/index.cfm?ty=tp&tid=702>

BJS, drug arrests: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4200>

BJS, federal prison admissions: <http://www.bjs.gov/content/pub/pdf/rpasfi2686.pdf>

Week four: Monday Sept 26th and Thursday Sept 29th: Lethal violence and punitive publics

This week we take a close look at lethal violence in the US, compared to violence in other democratic countries. What are the most important differences between the US and other countries? Why is lethal violence the focus of analysis here? Why is it important to take a long-term view of violence, as opposed to just a few years of analysis? How might rates of violence be related to incarceration rates?

Readings

Crime is Not the Problem, chapters 1-3

Kleiman, "Less crime, less punishment"

James, Nathan, "Is Violent Crime Increasing in the U.S.?"

Data sources

BJS, violent crime: <http://www.bjs.gov/index.cfm?ty=tp&tid=31>

BJS, firearm violence: <http://www.bjs.gov/index.cfm?ty=tp&tid=43>

BJS, Black victims: <http://www.bjs.gov/content/pub/pdf/bvvc.pdf>

BJS, quick tables and custom tables: <http://www.bjs.gov/index.cfm?ty=daa>

Week five: Monday October 3rd and Thursday October 6th: Race, class, sectarianism and violence in U.S. history

What do patterns of homicide look like across US history? Why are rates of homicide higher for African-Americans than for whites? What is Roth's theory of high rates of homicide in the US? What does it mean for Alexander's argument?

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Readings

Roth, ch 1, "Cutting one another's throats"

Roth ch 7, "All is confusion, excitement and distrust" (listed as just Roth on sakai)

Alexander, chapters 5 and 6

Data sources

UN Global Study on Homicide:

https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

Week six: Monday October 10th and Thursday October 13th: American democratic exceptionalism?

Are there distinctive features of American culture and politics that contribute to violence and punishment? If so, how? Remember, for these factors to help explain high imprisonment, they have to be unique to the U.S.!

Readings

Lacey, "American imprisonment in comparative perspective"

Zimring, "Public Opinion and the governance of punishment"

LaFree, "Too much democracy or too much crime?"

Miller, Lisa L., "Gun control reform failed in the Senate. But it wasn't a fair fight."

<https://www.theguardian.com/commentisfree/2016/jun/21/gun-control-reforms-senate-vote-not-fair-republican-congress>

Data sources

US Census, state population data:

<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

Gun laws by state: <http://smartgunlaws.org/search-gun-law-by-state/>

US Census Poverty rates by state:

http://www.census.gov/did/www/saipe/data/interactive/saipe.html?s_appName=saipe&map_yearSelector=2014&map_geoSelector=aa_s

Week seven: Monday October 17th and Thursday October 20th: Are crime and punishment related to inequality?

Why do some countries have more expansive social welfare states than the U.S.? Some scholars see these differences as a function of political institutions and organization. What does that mean? What does 'social welfare' refer to? How might social welfare and imprisonment be linked?

Readings

Western and Pettit, "Mass incarceration and social inequality"

Downes and Hansen, "Punishment and Welfare"

Sachs, Jeffery, "The Social Welfare State, beyond ideology?"

<http://www.scientificamerican.com/article/the-social-welfare-state/>

Lijphart, "Constitutional Choices"

Pew Research Center, Global Inequality, How the US Compares:

<http://www.pewresearch.org/fact-tank/2013/12/19/global-inequality-how-the-u-s-compares/>

Data sources

OECD Better Life Index: <http://www.oecdbetterlifeindex.org/>

Gini Index (index of inequality):

<http://www.indexmundi.com/facts/indicators/SI.POV.GINI/rankings>

Social Welfare spending (OECD):

https://stats.oecd.org/Index.aspx?DataSetCode=SOCX_AGG

Week eight: Monday October 24th: True American exceptionalism: The death penalty

The United States is an outlier in the democratic world in that it retains the use of the death penalty. Why is this?

Readings

Garland, "Capital punishment and American culture"

Data Sources

<http://www.unc.edu/~fbaum/Innocence/Innocence-data.htm>

Thurs OCTOBER 27th: IN-CLASS MIDTERM

Part II: The US in comparative democratic context

Week nine: Monday October 31st and November 3rd: Comparing violent crime, imprisonment and social safety nets in the US, UK, Netherlands, Germany and Scandinavia

This week we explore data that can help us gain some perspective on crime and imprisonment and other social risks across different democratic countries. We will also spend some time thinking about how different democracies are organized.

Readings

Global Study on homicide, 2011 (skim)
Lijphart, “Constitutional choices” (review)
“America’s misguided approach to social welfare”

Data sources

BBC News, World Prison Populations:
<http://news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/n2page1.stm>
The Guardian, Murder rates around the world:
<http://www.guardian.co.uk/news/datablog/2009/oct/13/homicide-rates-country-murder-data>

Week ten: Monday November 7th and Thursday November 10th: Britain

How do Britain’s two major political parties talk about crime problems? What are the key differences between them? What about the Scottish National Party? Are there substantial differences between Labour and the SNP?

Readings

Newburn, “Tough on crime”

Data sources (sakai)

Labour Party manifesto, 2001 (Part II), Sect. 4, “Strong and Safe Communities” pgs 31-35.
Conservative Party manifesto, 2001, “Living safely,” pgs. 11-12
Scottish National Party manifesto, 2011, “Justice,” pgs. 18-19

Week eleven: Monday November 14th and Thursday November 17th: Britain, France

Gottschalk, “Comparative crime victims”
Additional readings TBA

Week twelve: Monday November 21st: Germany and the Netherlands

Downes, “Road to Dystopia”
Vera Institute, “Sentencing in Germany and the Netherlands”

BOOK ANALYSIS DUE MONDAY NOVEMBER 21ST

THANKSGIVING BREAK – NO CLASS – THURSDAY, NOV 24TH

Week thirteen: Monday November 28th and Thursday December 1st: Scandinavia

Green, “Comparing Penal Cultures: Child on child homicide in Britain and Norway”
Lappi-Seppala, “Penal Policy in Scandinavia”
Denmark: <http://www.kriminalforsorgen.dk/English-29.aspx>

Week fourteen: Monday December 5th and Thursday December 8th: Making sense of democracy, crime and punishment

Steinmo, "The democratic dilemma"

Additional readings TBA

Week fifteen: Thursday December 12th: Conclusions

Readings TBA

Final papers due Thursday, December 19th

Suggested readings for book review

- Butterfield, Fox. 1995. *All God's Children: The Bosket Family and the American Tradition of Violence*. New York: Vintage Books.
- English, T.J. 2011. *The Savage City: Race, Murder and a Generation on the Edge*. New York: Harper Collins.
- Francis, Megan. 2014. *Civil Rights and the Making of the Modern American State*. Cambridge, MA: Cambridge University Press.
- Garland, David. 2010. *Peculiar Institution: America's death penalty in the age of abolition*. Belknap Press.
- Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. New York: Cambridge University Press.
- Green, David. 2008. *When Children Kill: Penal populism and political culture*. Oxford, U.K.: Oxford University Press.
- Kleiman, Mark A.R. 2009. *When Brute Force Fails: How to have less crime and less punishment*. Princeton: Princeton University Press.
- Lacey, Nicola. 2008. *The Prisoner's Dilemma: Political Economy and Punishment in Contemporary Democracies*. Cambridge: Cambridge University Press.
- Miller, Lisa L. 2008. *The Perils of Federalism: Race, Poverty and the Politics of Crime Control*. New York: Oxford University Press.
- Morrison, Blake. 1997. *As if*. London: Granta Books.
- Murakawa, Naomi. 2014. *The First Civil Right: How Liberals Built Prison America*. New York: Oxford University Press.
- Roberts, Julian V., Loretta J. Stalans, David Indermaur and Mike Hough. 2003. *Penal Populism and Public Opinion: Lessons from Five Countries*. Oxford: Oxford University Press.
- Roth, Randall. 2009. *American Homicide*. Boston: Harvard University Press.
- Scheingold, Stuart. 1984. *The Politics of Law and Order*. Philadelphia: Temple University Press.
- Simon, Jonathan. 2007. *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York: Oxford University Press.
- Tonry, Michael. 2007. *Crime, Punishment and Politics in Comparative Perspective*. Crime and Justice, A Review of Research, Vol. 36. Chicago: University of Chicago Press.
- Tonry, Michael and Tappio Lappi-Seppala. 2012. *Crime and Justice in Scandinavia*. Crime and Justice, A Review of Research, Vol. 40. Chicago: University of Chicago Press.

Western, Bruce, *Punishment and Inequality in America*. 2006. New York: Russell Sage.

Whitman, James. *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe*. New York: Oxford UP, 2003.

Wilson, James Q. 1975 (new edition in 2013). *Thinking about crime*. New York: Basic Books.

Zimring, Frank E., Gordon Hawkins and Sam Kamin. 2001. *Punishment and Democracy: Three Strikes You're Out in California*. New York: Oxford University Press.

Suggested readings for book review

- Barker, Vanessa. 2009. *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*. New York: Oxford University Press.
- Butterfield, Fox. 1995. *All God's Children: The Bosket Family and the American Tradition of Violence*. New York: Vintage Books.
- English, T.J. 2011. *The Savage City: Race, Murder and a Generation on the Edge*. New York: Harper Collins.
- Fortner, Michael Javen. 2015. *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment*. Cambridge, MA: Harvard University Press.
- Francis, Megan. 2014. *Civil Rights and the Making of the Modern American State*. Cambridge, MA: Cambridge University Press.
- Garland, David. 2010. *Peculiar Institution: America's death penalty in the age of abolition*. Belknap Press.
- Gottschalk, Marie. 2015. *Caught: The Prison State and the Lockdown of American Politics*. Princeton, NJ: Princeton University Press.
- Gottschalk, Marie. 2006. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. New York: Cambridge University Press.
- Green, David. 2008. *When Children Kill: Penal populism and political culture*. Oxford, U.K.: Oxford University Press.
- Hinton, Elizabeth. 2015. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. Cambridge, MA: Harvard University Press.
- Kleiman, Mark A.R. 2009. *When Brute Force Fails: How to have less crime and less punishment*. Princeton: Princeton University Press.
- Lacey, Nicola. 2008. *The Prisoner's Dilemma: Political Economy and Punishment in Contemporary Democracies*. Cambridge: Cambridge University Press.
- Murakawa, Naomi. 2014. *The First Civil Right: How Liberals Built Prison America*. New York: Oxford University Press.
- Roberts, Julian V., Loretta J. Stalans, David Indermaur and Mike Hough. 2003. *Penal Populism and Public Opinion: Lessons from Five Countries*. Oxford: Oxford University Press.
- Roth, Randall. 2009. *American Homicide*. Boston: Harvard University Press.
- Scheingold, Stuart. 1984. *The Politics of Law and Order*. Philadelphia: Temple University Press.
- Simon, Jonathan. 2007. *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York: Oxford University Press.

- Tonry, Michael. 2007. *Crime, Punishment and Politics in Comparative Perspective*. Crime and Justice, A Review of Research, Vol. 36. Chicago: University of Chicago Press.
- Tonry, Michael and Tappio Lappi-Seppala. 2012. *Crime and Justice in Scandanavia*. Crime and Justice, A Review of Research, Vol. 40. Chicago: University of Chicago Press.
- Western, Bruce, *Punishment and Inequality in America*. 2006. New York: Russell Sage.
- Whitman, James. *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe*. New York: Oxford UP, 2003.
- Wilson, James Q. 1975 (new edition in 2013). *Thinking about crime*. New York: Basic Books.
- Zimring, Frank E., Gordon Hawkins and Sam Kamin. 2001. *Punishment and Democracy: Three Strikes You're Out in California*. New York: Oxford University Press.