

JS 208
Seminar in Punishment
W: 5.30 – 8.15
MH 510

Professor: Patrick Timmons, Ph.D. (Texas), M. Phil. (Cantab), BA (with Honours) (London)
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Course Description

This course offers a historical study of punishment from the early 1800s to the present. We examine penal institutions, practices, laws, politics, and culture governing the treatment of offenders in societies over the course of the last two hundred years. The course uses monographs, primary sources, scholarly articles, documentaries, and films to examine different aspects of the broadly construed penal experience from the vantage of various disciplines and genres. The readings and visual materials have been chosen to provoke students to engage with, and master the interpretation of, secondary texts and primary sources. The course seeks to instruct students from various interdisciplinary vantage points in the humanities. Its method invites participants to appreciate, think critically, and analyze rigorously the importance of situating punishment in a broad array of historically contingent forces.

The course builds on a guiding assumption – which must be criticized, debated, and tested: that the way a society chooses to punish broadly reflects the racial, class, and gender-based forms of power and influence in a particular society. By using this assumption to ground the examination of the history, structure, and process of punishment, the course uncovers new ways of exploring the persistence and emergence of redemption, reformation, rehabilitation, vengeance, social control, and victimization. We consider various forms of punishment and corrections, striving to situate each in its historical and analytical context: lynchings, torture, incarceration, the death penalty and its abolition, probation, and parole. The course eschews a U.S.-centered, ahistorical approach, opting for a broader, interdisciplinary inquiry which understands that a globalized point of reference attentive to changes and continuities over time improves our understanding of particular practices.

The Specialization of the Instructor

The professor has designed the course to foster critical analysis of an interdisciplinary, globally informed scholarship which examines the relationship between different societies and their correctional regimes. The professor specializes in the political and cultural history of the death penalty in nineteenth-century Mexico. This expertise complements an ongoing research specialization and publications record concerning Mexican nationals condemned to die in contemporary Texas. The professor is best able to serve those who seek the challenge of engaging with, appreciating, and criticizing the structure and mechanics of written, oral/aural, and visual sources.

Course Objectives

Successful completion of this course means that a student will be able to appreciate and describe orally and in written form different histories of the relationship between society and the practice and politics of punishment in the modern world.

We will consider answers to the following questions:

- What does it mean to consider the existence of modern punishments? Can punishments ever be modern? Is there an historical relationship between modern institutions, the self, and the body in pain?

- How do different forms of governance shape and constrain the actions of penal / correctional institutions and the relations between those institutions and citizens?

- What was the genesis, goals, objectives and limitations of punishment/corrections?

- How should we understand the processes of different penal/correctional strategies? Do different types of sources help to explain the perspectives and motivations of different institutional actors, prisoners' family members, and the prisoners themselves?

- How do social forces which govern the experiences of policy makers, prisoners, and officers; and factors contribute to misconduct and corruption?

These questions stand at the forefront of our inquiry. They should be applied to each of the readings. Classroom discussion will be directed to understanding the mechanics, structure, intent, evidence, and narrative strategies employed by the sources' authors.

The professor's goal is to facilitate students' ability to improve their

- capacity to use the methods of social and cultural history to examine criminal justice issues.
- reading ability, and to effectively communicate, both orally and in writing, the results of their analyses of written, visual, and oral sources.
- awareness of, and consideration of various effects and dilemmas which present themselves when a society chooses to punish in particular ways.

Prerequisite

Graduate Standing

Preferred Method of Communication

I prefer that you communicate with me either on my cell phone (706) 513 7242 or by e-mail: ptimmons99@gmail.com.

Office Hours

My office hours are for you. Please do not hesitate to come in and ask for help. If you cannot make my office hours, please consider making an appointment. (Please give 24 hours notice for appointments outside of normal office hours.)

You are expected to meet with me several times during the semester.

Books Required for Purchase

Cesare Beccaria, *On Crimes and Punishments*, translated by David Young, Indianapolis: Hackett, 1986.

Robert Buffington, *Criminal and Citizen in Modern Mexico*, Lincoln: University of Nebraska Press, 2000.

Clarence Darrow, *Crime and Criminals: Address to the Prisoners in the Cook County Jail and Other Writings on Crime and Punishment*, New York: Charles H. Kerr, 2000.

Fyodor Dostoevsky, *Crime and Punishment*, New York: Bantam, 1996.

Marguerite Feitlowitz, *Lexicon of Terror: Argentina and the Legacies of Torture*, New York and Oxford: Oxford University Press, 1999.

Michel Foucault, *Discipline & Punish: The Birth of the Prison*, New York: Vintage, 1995.

David Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*, New York: Free Press, 1997.

Andi Rierden, *The Farm: Life Inside a Women's Prison*, Amherst: University of Massachusetts, 1997.

Required Supplemental Readings Available on WebCT

Note you will need Adobe Acrobat PDF reader to view these files.

Make sure you print them out and bring them to class.

These will be available on WebCT as the course progresses. The instructor will indicate if there are required supplemental readings the week before those readings are due.

These readings should NOT be included in the one page analysis at the start of each discussion of a particular book.

Course Requirements

Attendance

According to University policy F69-24, "Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading."

Attendance is taken at each class meeting using sign-in sheets. Please speed the efficiency of this process by arriving early to sign in.

You may not leave the classroom until the instructor signals the end of the class, you have an emergency which requires your exit, or you have informed the instructor that you will be leaving the class.

Lateness

Students should make every effort to be in class on time. Students who are late are urged to consider NOT entering the classroom five minutes after class time. Should a student enter the classroom later than five minutes, that student should do so in a quiet and courteous manner, one that acknowledges the disruption caused to the learning community.

Graded Coursework

Percent of Grade, and Tentative Due Dates*

Assignment	Percent of Grade	Date Due
1. Term Paper (First Draft)	15%	10/25
2. Term Paper (Final Draft)	25%	12/06
2. Participation	35%	Varies
3. Final Exam (Take home)	25%	wk of 12/11-15

*Due dates are subject to change with fair notice

The Term Paper

This paper, no more and no less than fifteen pages in length (double spaced, Times New Roman, 12pts, paginated), and including a bibliography separate from the page count, should offer the reader a thoughtful essay on a subject, concept, theme, or method addressed by the readings and other materials assigned for this class. The essay should place a discussion of evidence, meaning the sources consulted to write the paper, at its analytical and methodological heart. The argument and substance of the paper should be presented to the professor orally early in the semester, and subsequently in two written forms: the draft, and the final version. The due dates for these written pieces are provided above. The professor expects students to visit him in his office to consult on the progress of the term paper.

Final Exam

The final exam will be take-home and consist of two essays, from a choice of four, which deal with subjects presented in this course. The exam scripts should be typed, double-spaced, in Times Roman 12pts, paginated, and must be handed in at the location, day, and time of the final exam.

Assessment of Participation

Participation is assessed through eight written analyses of the theses of the required reading and three media reviews.

Written Analyses of the Required Reading 20%

These page-length analyses of the thesis of each book are due at the beginning of each discussion of a book (not necessarily every week). There are no exceptions to this rule. Students who fail to hand in each written analysis of the readings will not receive a participation grade. The analysis must deal with the book in its entirety. This means that you should have read, analyzed, and written about the whole of the book prior to the beginning of the section of the class when the book is discussed.

Media Responses 15%

These take the form of one page, double spaced reviews of three of the movies or documentaries shown in this course. The student should explain how they connect the movie's subject matter to the themes of the course. Each response carries a weight of five percent of the final grade.

Response One	4 October	5%
Response Two	18 October	5%
Response Three	1 November	5%

Classroom Etiquette and Courtesy

The professor takes classroom etiquette very seriously. Cell phone disruptions, talking with classmates without including the whole class, *and abuse of internet technologies (e.g., web browsing/IMing during class)* will adversely affect your participation grade. Please turn off your cell phones.

Grading Method for Assignments, Term Papers, and Other Coursework

By letter. Percentage amounts.

A 90 - 100

Excellent, demonstrates original thought, superior command of written and classroom material, clarity and erudition in a structured presentation.

B 80 - 89

Above average, some originality of thought, solid command of written and classroom materials, developed structure.

C 70 - 79

Below average, little or no originality of thought, faltering command of written and classroom materials, awkward structure.

D 60 - 69

Well below average. No creative response. Cursory attention to detail. No appreciation for scholarship.

F 59 or below

Does not meet minimum expectations for this course.

Late Papers and Format

No written work will be accepted after the due date. Each piece of work for this class must be typed, double-spaced, and paginated, with a font of Times Roman 12pts.



University Policies

Course Add/Drop Statement

Instructors are permitted to drop students who fail to attend the first scheduled class meeting and who fail to inform the instructor prior to the second class meeting of the reason for any absence and their intention to continue in the class. Some instructors will drop students who do not meet the stated course prerequisites. However, instructors are not required to drop a student from their course. **It is the student's responsibility to make sure classes are dropped.**

You, the student, are responsible for understanding the policies and procedures about add/drops, academic renewal, withdrawal, etc. found at:

http://sa.sjsu.edu/student_conduct

Academic Integrity Statement

Academic integrity is essential to the mission of San José State University. As such, students are expected to perform their own work (except when collaboration is expressly permitted by the course instructor) without the use of any outside resources. Students are not permitted to use old tests, quizzes when preparing for exams, nor may they consult with students who have already taken the exam. When practiced, academic integrity ensures that all students are fairly graded. Violations to the Academic Integrity Policy undermine the educational process and will not be tolerated. It also demonstrates a lack of respect for oneself, fellow students and the course instructor and can ruin the university's reputation and the value of the degrees it offers. We all share the obligation to maintain an environment which practices academic integrity. Violators of the Academic Integrity Policy will be subject to failing this course and being reported to the Office of Student Conduct & Ethical Development for disciplinary action which could result in suspension or expulsion from San José State University. The policy on academic integrity can be found at: http://sa.sjsu.edu/student_conduct

To better understand plagiarism and to aid you in making sure that you are not plagiarizing, please see me and/or visit:

<http://tutorials.sjlibrary.org/plagiarism/index.htm>

American with Disabilities Act

If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours.

Presidential Directive 97-03 requires students with disabilities requesting accommodations must register with DRC to establish a record of their disability.

Student Rights and Responsibilities

"The classroom is the essential part of any university. Both freedom to teach and freedom to learn should flourish in the classroom. The professor has the right and responsibility to control the classroom; however, as this control is exercised, the rights of students as set forth in this document should not be denied.

A. Students have the right to consistent and judicious evaluation by the instructor.

B. Students are free to take reasoned exception to the data or views offered in courses of study. They may be required to know the material set forth by the instructor, but they are free to reserve personal judgment as to the truth or falsity of what is presented.

C. Students have the right to have faculty meet their classes at the scheduled times and make presentations appropriate to the course. When circumstances require cancellation of a class, the instructor shall make an effort to notify students.

D. While faculty and administrators have primary responsibility in curricular matters, students shall have opportunity for participation in revising and improving the curriculum by serving on operational curriculum committees.

E. Students are responsible for meeting standards of academic performance established for each course. Performance in the course shall be the sole criterion by which students are measured and the professor shall take no action to penalize students because of their opinions or because of their conduct outside the classroom in matters unrelated to the class. Students have the right to a course grade which is a just measurement of performance in the course.

F. Information about a student's performance, views, beliefs, and political association which professors acquire in the course of their work as instructors, advisers, and counselors is considered confidential.

G. Students enrolled in a class may be denied admission to the classroom or may be expelled for the remainder of a class period only for considerations relevant to the educational purposes of the class. A faculty member may recommend to the Dean of Student Services that a student be permanently withdrawn from a course if after suitable warning a student's disruptive actions are determined to be in violation of the University policy on "Student Discipline Relating to Conduct on State University Campuses".

H. Students have the right to have instructional faculty schedule a reasonable number of office hours for student conferences."

The full statement on Student Rights and Responsibilities may be found at:
<http://www2.sjsu.edu/senate/s90-5.htm>

**Schedule of Classes**

W Aug 23 Course Introduction

Reform and the Modern Impulse

W Aug 30 Cesare Beccaria, *On Crimes and Punishments*

W Sep 6 Cesare Beccaria, *On Crimes and Punishments*

Explore:

"The History of the Guillotine,"

<http://www.metaphor.dk/quillotine/Pages/History.html>

Consult and Explore:

"The Last Public Use: The Execution of Eugene Weidmann,"

<http://www.metaphor.dk/quillotine/Pages/Weidmann.html>

Read:

Albert Camus, "Reflections on the Guillotine," in *Resistance, Rebellion, and Death* (New York: Knopf, 1966), pp. 173 – 234.

Modernity as the Discovery of the Self

W Sep 13 Michel Foucault, *Discipline & Punish: The Birth of the Prison*

W Sep 20 Michel Foucault, *Discipline & Punish: The Birth of the Prison*

Positivism and the Invention of Criminality

W Sep 27 Robert Buffington, *Criminal and Citizen in Modern Mexico*
Watch

DOCUMENTARY 1: Historia de un documento, dir. Oscar Menéndez, 1970 / 2004, 49 mins. NB This film is in French with Spanish subtitles. I will provide an English translation of the script.

Torture: Language and Memory in Argentina and Chile

W Oct 4 Marguerite Feitlowitz, *Lexicon of Terror*

WORK DUE RESPONSE TO DOCUMENTARY 1

W Oct 11 Marguerite Feitlowitz, *Lexicon of Terror*
Watch

DOCUMENTARY 2: *Chile: Obstinate Memory*, dir. Patricio Guzmán, 1997.

The Deep South

W Oct 18 David Oshinsky, *Worse than Slavery*

WORK DUE RESPONSE TO DOCUMENTARY 2

W Oct 25 David Oshinsky, *Worse than Slavery*
FILM: *I Am a Fugitive from a Chain Gang* dir. Mervyn LeRoy, 1932, 93mins.

WORK DUE FIRST DRAFT OF TERM PAPER

The Invention of (a Binary) Tradition

W Nov 1 Fyodor Dostoevsky, *Crime and Punishment*

WORK DUE RESPONSE TO FILM

W Nov 8 Fyodor Dostoevsky, *Crime and Punishment*

Impassioned Abolitionism

W Nov 15 Clarence Darrow, *Crime and Criminals*

W Nov 22 THANKSGIVING – NO CLASS



Testimony

W Nov 29

Andi Rierden, *The Farm: Life Inside a Women's Prison*

Reflections

W Dec 6

Oral presentation of Term Papers.

**WORK DUE
HAND OUT**

**FINAL VERSION OF TERM PAPER
FINAL EXAM QUESTIONS**

M-F Dec 11-15

Final Examination

Take Home: Due the Place, Day, and Start Time of the Scheduled Final Examination

Beccaria, "Notes to the Reader," through Chap. 12, "Purpose of Punishments" from *On Crimes and Punishments* translated by David Young. Indianapolis: Hackett Publishers, 1986.

These questions are based on my reading of the above-mentioned volume.

These are some questions that I've been thinking about while reading, and after finishing, this section of *On Crimes and Punishments*. I re-read the section about three times. It's not a transparent read. But then, it was written almost 350 years ago. Like all primary sources, we need to consider what's familiar and unfamiliar to us, to try to get us to understand Beccaria's motivation in writing it, and the way in which he goes about constructing his argument.

Be sure to take down page numbers and perhaps even note down specific passages when you answer these questions.

Questions for Consideration:

1. In his conception of power, Beccaria argued that the legislator would most effectively wield it. Whose power and influence was he rejecting? (You should be able to identify two other powerful forces that he was dismissing.)
2. Ostensibly Beccaria might be putting faith in the legislator because he doesn't have any faith in the other powerful forces he was rejecting and which you identified in (1). So, what does the answer to (1) reveal to you about the political context in Eighteenth century Lombardy? (Lombardy was a kingdom of Italy in this time period.)
3. What did Beccaria mean by "law"? Why was "law" important to Beccaria? What does he suggest needed to happen to the "law"?
4. Beccaria might be considered an early utilitarian. Jeremy Bentham, who we will talk about later in this section of the course, drew inspiration from Beccaria. What is utilitarianism? What phrases of Beccaria's might be considered utilitarian? (Have a look at the following sites: <http://en.wikipedia.org/wiki/Utilitarian> or look up the word in the [Oxford English Dictionary](#), or the [Oxford Reference Guide](#) (note: these links take you to a list of reference sites, and you can find the OED and the ORG from that page, once you try to get into either site, you must have an SJSU Library Card to enter.)
5. Beccaria argues that the practice of punishment in eighteenth-century Europe encountered several problems. What were they?
6. What parts of this section are familiar to you? What ideas have you heard of before?
7. Which parts of this section are unfamiliar to you, or you have a hard time understanding?
8. Write a one-paragraph, at least 3 sentence summary of this section. Be sure to answer this question: What central claim did Beccaria make in this section, and how did he go about supporting that claim? Try to reproduce, in your own words and as fully as possible, Beccaria's argument in this section. And try to do it in no more than 10 sentences.

Graduate Seminar in Punishment, Fall 2006
Continuous Evaluation

Title of Class:
Date:

I learned ...	I valued...
I'd like more information about...	Comments