

Patrick Timmons, Ph.D.
Office Location: BT 454
Office Hours: M 3.00pm – 5.00pm

ptimmons99@gmail.com
W 8.15am – 10.15am

JS 115
Critical Issues and Ideas in Justice
SWE 100 / M W 1.30pm – 2.45pm

Catalog Description

Interdisciplinary, historical and comparative examination of justice concepts and controversies, including the state's role in promoting justice and perpetuating injustice; legitimate versus illegitimate violence; human rights, stateless persons, and the international community; the relationship between social justice and criminal justice.

Course Description

This required class¹ in Justice Studies offers students a source-based, interdisciplinary inquiry into how human individuals and societies identify justice and injustice in various periods and places. The course focuses upon the thorny relationship between truth, knowledge, and power, asking how practices associated with these concepts might jeopardize or reinforce understandings of justice. As an idea, or principle to live by, justice may be idealized and romanticized. In practice it often seems difficult to attain. And in this class we ask the extent of the affects of the dynamic forces of truth, power, and knowledge, experienced by humans as they struggle to define, understand, and realize justice within various social, economic, political, and cultural contexts. At all times, students are encouraged to draw their own conclusions through reading, contemplation, and assessment of various sources: books, scholarly articles, journalistic exposes of corruption, and songs.

The class offers students in Justice Studies several critical approaches to the study of justice in the modern world. The course has been designed to improve critical thinking skills, enhance capacities for source-based analysis, deepen writing ability, and encourage informative, engaged reading. It also eschews a focus solely on the United States, opening inquiry into different national and transnational contexts.

The course has been designed to facilitate your transition to the University. The course will quickly establish, argue, and demonstrate the rigorous requirements of a university education.

Preparation

You must prepare for this class by being diligent. That is, you must assess your schedule and the amount of time each month, week, and day, which you will need in order to do the reading and the assignments. You **must** read ahead of the syllabus. The material has been selected to stimulate you, and often the reading is filled with intensely disturbing material. While some of the readings might seem long, a judicious reading schedule which you devise at the beginning of the semester and constantly re-assess according to your needs and demands will help you with these readings.

¹ For incoming students from Fall 07 onwards.

Remember: nothing ventured, nothing gained. If this course challenges you, then it has achieved its purpose.

Method of Instruction

Two meetings a week comprise the central activity of this course. The class time will be spent contextualizing and examining the reading for any given day.

Reading

The bare minimum for this course are the three **required** course books, stated below. The schedule of classes also includes **strongly recommended** reading available on WebCT. The amount of **strongly recommended** material for reading may seem daunting. However, the course will be taught to allow you to choose between two different approaches to the strongly recommended reading.

What happens in class? During the class time, I will present my examination of the reading to you. (That's why it is called a lecture.) I will pull out what I think are the most significant aspects of the reading. I will also attempt to place the reading in academic, political, social, and cultural contexts (among others), trying to see where the text came from, what other sources, voices, or themes, the source is in dialogue with. My analysis of the reading will attempt to be critical: that is, I endeavor to describe and observe the readings through careful judgement.

Two practical approaches to the reading.

Given the amount of reading, and the type of University we are studying and working in, you can elect to either do the reading or not do the reading for any given class day. **It is neither practical nor reasonable in this University to expect you to do all the reading all the time.** Having written that, though, this class is trying to cultivate critical minds, so the preferred option is to do the reading and come to class. Why?

If you do the reading for a particular day, you can observe whether or not my presentation of the reading is precise and accurate. You can quiz me in class or out, about why I decided to choose to present the reading in a particular way. If you do the reading, you can compare and contrast my approach to one reading to another reading. You can also go beyond the text itself, placing it within your own frameworks of understanding. In other words, you will be engaging in critical analysis.

If you don't do the reading you should definitely come to class. But your approach will have to differ from those who did do the reading on a particular day. But why should you still come to class? This class is structured around the reading. This means that each class day there is a reading listed, you know that I will spend the class critically appraising the reading. I will be doing this in a way which does not assume that you have done the reading. You can still ask questions, of course, because it might be that my presentation of the reading confounds your understanding. If so, even without doing the reading, you can still work your way to some understanding of the reading. You should recognize, however, that in doing this you will be one step away from a critical

approach. Why? You are leaving the interpretation of the reading to the professor or your colleagues.

A university-education demands that we strive for independence and originality because we recognize that you are responsible for arriving at a choice through judicious assessment. The important thing is that you exercise judicious assessment of the readings you do and do not do.

Peer Mentors

To help you succeed in this class, I have recruited a group of students familiar with my teaching style, familiar with the needs of the department, and familiar with the SJSU experience.

These peer mentors are available to help orient you in the course. They are available by e-mail, and they will hold some fairly regular study sessions. They are not teaching assistants. While they can help proof read your material you have to ask them to do that, and they have no role in determining your grade for this class. We hope that you will take advantage of the knowledge and skilful expertise your peer mentor has developed over years of study at this and other universities.

The peer mentor assignments will occur in the second class period.

Course Requirements

This is a **four** unit course. The course has more requirements than a three-unit class. To succeed in this class you will need to do the assigned readings, watch the films, and do all the graded assignments. Additionally, the professor has prepared reading worksheets available on WebCT that will help your comprehension of the readings.

To receive a grade in this class you must hand in all the assignments. Failure to hand in all of the assignments will significantly diminish your grade and might result in a grade of "F."

Required Readings

The readings have been chosen because they are accessible, vibrant accounts about manifestations and implications of humanity's relationship to justice and injustice.

Ishmael Beah, *A Long Way Gone: Memoirs of a Boy Soldier*. New York: Farrar Straus and Giroux, 2007.

Mark Danner, *The Massacre at El Mozote*. New York: Vintage Books, 1994. ISBN: 067975525X

Pumla Gobodo-Madikizela, *A Human Being Died that Night: A South African Woman Confronts the Legacy of Apartheid*. New York: Mariner Books, 2004. ISBN: 0618446591

Strongly Recommended Readings

These are identified on the schedule of classes. There is **SRR** for almost every class meeting. The readings, along with worksheets for each of the readings, are available on WebCT. You will need Adobe Acrobat Reader (freely available for download from Adobe Systems.)

WebCT Access

<http://sjsu.blackboard.com/public/js115f07pt/>

Highly Recommended Films (Some will be Shown in Class)

Films will be available at IRC from 09/10

Cry Freedom (1987), dir. Richard Attenborough.
Shown in Class on 19 and 26 November.
Also available on Reserve at the IRC.

Das Leben der Anderen (The Lives of Others) (2006), dir. Florian Henckel von Donnersmarck.
Available on DVD. Watch on your own.
Also available on Reserve at the IRC.

Discovering Dominga (2002), dir. Patricia Flynn.
Shown in Class on Monday 15 October.

Rashomon (1950), dir. Kurosawa Akira.
Screening on Friday 28 September. Location and Time TBA.
Also available on Reserve at the IRC.

The Trials of Henry Kissinger (2003), dir. Eugene Jarecki
Screening on Friday 2 November. Location and Time TBA.
Also available on Reserve at the IRC.

The Wind that Shakes the Barley (2006), dir. Ken Loach.
Also available on Reserve at the IRC.

Voces Inocentes (Innocent Voices) (2004), dir. Luis Mandoki.
Screening on Friday 16 November. Location and Time TBA.
Also available on Reserve at the IRC.

Graded Work

There is no multiple-choice testing for this class.

Specific rubrics which explain the grading criteria for each of the assignments will be available on WebCT one week prior to submission of the assignment.

A general rubric for the Unannounced Tests will be available soon on WebCT.

Participation Tests

*Three Unannounced Tests worth Ten Percent Each of the Final Grade **30%***

These tests are short answer. They will be based on the readings and/or lectures from the previous three sessions. The tests are designed to assess your comprehension of the reading and your ability to take notes on the most significant points of the lectures.

Units One and Two: Concepts and Methods Due 10/01 **10%**
Worksheet on Readings for these Units

Unit Four: Controversies – Central America Due 11/05 **10%**
Essay: (3 pages, double spaced)
Should U.S. officials be held accountable for human rights violations in Latin America during the Cold War? (Half the class will argue for accountability, half the class will argue against accountability.) No matter your answer, explain the implications associated with your answer.

Unit Five: Controversies – Child Soldiers Due 11/19 **10%**
Compare and Contrast (3 pages, double spaced)
Compare and contrast the role violence plays in the stories, *A Long Way Gone* (book) and *Voces Inocentes (Innocent Voices)* (film).

Portfolio Due 12/03 **20%**
Choose one book, one film, one song, and one interview (published or broadcast) to write about in a critical manner.

Final Exam **20%**
Cumulative. Two essay-based questions from a choice of five. At least two of these essays will come from Unit Three.

Grading Scale for All Assignments

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 in all forms of work..

B 80 - 89

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

C 70 - 79

Below average, little or no originality of thought, faltering command of written and classroom materials; awkward structure in some pieces of work.

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 Work

No work will be accepted after the due date. Please adhere to all stipulated due dates which have been established in order to facilitate grading. If you are in any doubt about due dates and times please check with the instructor.

Makeup Exams

There are no exams in this class.

**Course Calendar
Fall 2007**

Day	Class Theme	Assignment Due
M Aug 27	Justice: The Images and Realities	Read Greensheet / Pick up course books / Log on to WebCT: http://sjsu.blackboard.com/public/js115f07pt/
W Aug 29	Pedagogical Issues: Escape to the University	Reading: Why is it such a challenge? WebCT Demonstration / Meet your Peer Mentor / Establish E-mail Contact with Peer Mentor

Unit One	Foundational Concepts	
M Sept 3	NO CLASS	
W Sept 5	Justice and History	Origins Read: Job Advertisement, Office of Special Investigations, Department of Justice, Washington, DC, 2007. http://jobsearch.usajobs.opm.gov/getjob.asp?JobID=60665607&brd=3876&AVSDM=2007-08-08+15:36:31&sort=rv&vw=d&q=latin+america+special+investigations&Logo=0&FedPub=Y&FedEmp=N&ss=0&TabNum=6&rc=5
M Sept 10	Justice and Political Organization	Aristotle Read Aristotle, Extract from <i>Politics</i> . WebCT.
W Sept 12	Justice, the Nation-State, and the Human Condition	Stateless People: The Partition of the Indian Sub-Continent, August 1947. Read: William Dalrymple, Extracts from <i>City of Djinns: A Year in Delhi</i> . (WebCT) Listen: BBC World Service, World Stories, "Letter from Partition," July 2007 http://news.bbc.co.uk/1/hi/programmes/documentary_archive/6918667.stm RealPlayer File. http://www.bbc.co.uk/mediaselector/check/worldservice/meta/dps/2007/07/070727_letters_from_partition?size=au&bgc=003399&lang=en-ws&nbram=1&nbwm=1&checkedBandwidth=nb&checkedMedia=ram&subtitles=hide&alreadySeen=1

Unit Two	Studying Justice	Methods of Studying Justice: Anthropology, Political Science, History
M Sept 17	Knowledge and Power:	Is Truth Possible when the Historical Record is Fractured? Read: James West Davidson and Mark Hamilton Lytle, "Introduction," and "Prologue: The Strange Death of Silas Deane," in <i>After the Fact: The Art of Historical Detection</i> (Boston: McGraw Hill, 2004). WebCT.
W Sept 19	Culture as Explanation: Justice as Culturally-Sanctioned Violence	Mamdani, "Culture Talk," in <i>Good Muslim, Bad Muslim</i> (WebCT)
M Sept 24	Culture as Concept: Reading Justice as a Sacred Symbol through Culture	Read: Geertz, "Ethos, World View, and the Analysis of Sacred Symbols." (WebCT) Listen: Johnny Cash, "The Man Comes Around," track one from <i>The Man Comes Around</i> (2002).
W Sept 26	Language of Justice	The Coining of the Term Genocide Read: Samantha Power, Chapters 1 through 5, <i>A Problem from Hell: America and the Age of Genocide</i> . (WebCT)
F Sept 28	Disputes about Justice	<i>Screening of Akira Kurosawa, Rashōmon</i> (1950) <i>Location and Time: TBA</i>

Unit Three	Criticism & Power	Does a critical approach to justice demand an ethical and moral approach to power?
M Oct 1	Criticism	Different Traditions Worksheet on Readings for Units 1 and 2 Due
W Oct 3	Suppression 1	Abu Ghraib: Joe Darby. Read: http://news.bbc.co.uk/1/hi/world/middle_east/6930197.stm
M Oct 8	Suppression 2	El Mozote: Ray Bonner and Susan Meiselas. Mike Hoyt, "The Mozote Massacre: It was the Journalists' Word against the Government's," <i>Columbia Journalism Review</i> Jan. – Feb. 1993 http://backissues.cjrarchives.org/year/93/1/mozote.asp
W Oct 10	Suppression 3	"Dark Defiance": The Case of Gary Webb, the CIA, Crack Cocaine, and the San José Mercury News, 1996 – 2004. Listen: Black Eyed Peas Featuring Justin Timberlake, "Where is the Love," 2003.

Unit Four	Controversies – Central America in the 1980s	State Violence and Human Rights Reporting Read: Mark Danner, <i>Massacre at El Mozote</i> .
M Oct 15	Survivors' Voices	<p><i>Rio Negro, Guatemala, 1982: Denese Becker</i> Watch: <i>Discovering Dominga</i> (2002), dir. Patricia Flynn http://www.pbs.org/pov/pov2003/discoveringdominga/index.html</p> <p><i>El Mozote, El Salvador, 1981: Rufina Amaya</i> Listen: NPR Weekend Edition Saturday, "Rufina Amaya, Survivor of the El Mozote Massacre," 17 March 2007, http://www.npr.org/templates/story/story.php?storyId=8972597</p>
W Oct 17	The United States in Central America during the Cold War	<p><i>How does the Cold War in Latin America help us Understand the War on Terror?</i></p> <p>Read: Patrick Timmons, "Empirical Findings: Interview with Greg Grandin," <i>Texas Observer</i> 14 July 2006. http://www.texasobserver.org/article.php?aid=2261</p>
M Oct 22	Nicaragua and the Contras	<p><i>Iran Contra</i></p> <p>Watch: Frontline Documentary</p> <p>Read: Mamdani, Chapter 3, <i>Good Muslim, Bad Muslim</i>. (WebCT)</p>
W Oct 24	El Mozote	Read: Danner, Prologue through Chapter Three.
M Oct 29	El Mozote	Read: Danner, Chapter Four through Chapter Five.
W Oct 31	El Mozote	Read: Danner, Chapter Six through Chapter Nine.
F Nov 2	Human Rights and Wrongs	<i>The Trials of Henry Kissinger</i> (2003), dir. Eugene Jarecki Location TBA: Time TBA

Unit Five	Controversies – Child Soldiers	The Psychology of Mass-Killing
M Nov 5	Children and War	A Forgotten History: American Children and the U.S. Civil War Essay on the Accountability of U.S. Officials Due
W Nov 7	The Logic of Mass Murder	Psychological Approach Read, Ishmael Beah, <i>A Long Way Gone</i> , page 1 through Chapter Seven.
M Nov 12	Sierra Leone, 1990s	Read: Beah, <i>A Long Way Gone</i> , Chapter Eight through Chapter Fifteen. Listen: Sierra Leone's Refugee All Stars, <i>Living Like a Refugee</i> (2006).
W Nov 14	Memoir as Justice	Read: Beah, <i>A Long Way Gone</i> , Chapter Sixteen to End.
F Nov 16	Child Soldiers	<i>Screening of Voces Inocentes (Innocent Voices)</i> (2004) Location and Time: TBA

Unit Six	Controversies – Social and Political Justice through Criminal Justice?	Reconciliation through Reflection: Clinical Psychology as Prism, Testimony as Method Read: Pumla Gobodo-Madikizela, <i>A Human Being Died that Night</i>.
M Nov 19	Apartheid in South Africa	<i>Cry Freedom</i> (part one) Comparison and Contrast on Child Soldiers Due
W Nov 21	Thanksgiving Break	No Class
M Nov 26	Apartheid in South Africa	<i>Cry Freedom</i> (part two) Read: Gobodo-Madikizela, Preface and Chapter One.
W Nov 28	A Human Being Died that Night	Read: Gobodo-Madikizela, Chapter Two through Chapter Four.
M Dec 3	A Human Being Died that Night	Read: Gobodo-Madikizela, Chapter Five through Epilogue.
W Dec 5	Reconciliation through Truth	South Africa's Truth Commission Portfolio Due
M Dec 10	Conclusion	Final Thoughts and Review
M Dec 17, 2007	12.15 – 2.30	Final Exam

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>

Patrick Timmons, Ph.D.
 ptimmons99@gmail.com

Marisa Roquero

Office Hours: M 3 – 5 pm / W 8.15am – 10.15am
 & By Appointment

**Punishment across Borders:
 Mexico, Texas, and the Problems of Punishment and Immigration.
 M / W 10.30 – 11.45
 Clark 129**

Muse verb

1. *intr.* To be absorbed in thought; to meditate in silence; to ponder. Usu. with *about, in, of, on, over, upon.*
2. *intr.* To gaze meditatively; to look thoughtfully or intently.
3. *intr.* To be affected with astonishment or surprise; to wonder, marvel.

Source: Oxford English Dictionary, Online Edition, 3rd Revision.

Introduction to MUSE

University education differs from that you experienced in high school. SJSU designed the Metropolitan University Scholars' Experience (MUSE) to facilitate your transition into university. Instead of thinking of the program's name as an acronym, you might find the intent behind the program easier to understand if you reflect upon the meaning of the word "muse" in both its noun and verb forms. With material designed to provoke wonder and thought, the program will inspire you to improve upon your skills and attitude towards your own education. Inquisitiveness and rigor are needed for the intellectual engagement and challenge of university study. Discovery, research, critical thinking, written expression, attention to the rich cultural diversity of your surrounds, and continuous discussion will help you to muse. SJSU limits enrollment in MUSE courses to a small number of students; SJSU intends these courses to be highly interactive—to allow you to engage with your peers and the professor in a way that provokes thought. MUSE courses ponder topics and issues from an interdisciplinary focus to show how ideas and practices can be viewed from various analytical, theoretical, and empirical frameworks.

Course Description

Punishment creates borders, yet its meanings and effects also travel across them. America's death penalties, like all other forms of punishment, create "boundaries of nation-states, races, genders, and sexualities."¹ In this course we examine how Texas' death penalty, imposed upon Mexican nationals between 1992 and 2005, may be situated in a lengthy history of disputes between Mexico and Texas over different instance of punishment. The history and present of immigration and punishment of Mexicans and Mexican-Americans in the Southwest defines and shapes the division between the two countries and its peoples. The course seeks to place punishment in regional and historical perspective. We shall read, listen, and watch a variety of sources to understand how the relationship between death, power, race, ethnicity, gender, and

¹ Angela Davis and Gina Dent, "Prison as a Border: A Conversation on Gender, Globalization, and Punishment," *Signs. Globalization and Gender*. (26:4) Summer, 2001: p. 1240.

national origin has changed over time in the Southwest, casting a pall over the present and the future.

The course title muses upon border crossing. Often commentators—popular and scholarly—have used the death penalty as a way to talk about the standards of civilization in a particular nation. In this course we shall attempt to go beyond a nation-state framework to examine, instead, how punishment or resistance and/or ambivalence to punishment, travels across borders.

This transnational approach departs from conventional ways of understanding the American death penalty. Even scholars, whose goal must be to examine manifestations of reality using critical analytical frameworks, uncritically rely upon the “box” of the nation-state. This analytical box has made it especially difficult to try to understand the experience of Mexican nationals condemned to die in the United States.

That scholarship tied itself only to a vision of punishment’s effects internal to the nation. Its achievement documented the exploitation and deaths of African-American men in the Deep South. That vital, crucial scholarship, activism, and legal opposition to discrimination in punishment coalesced in *Furman v. Georgia* (1972). In this case the United States Supreme Court found all state death penalty statutes unconstitutional because they were arbitrary—four years later in *Gregg v. Georgia* the Court reviewed new death penalty statutes changed by death penalty states to follow *Furman’s* guidelines of limiting caprice. It just so happened that the Court never found the death penalty’s application racist. But in many states in the South the punishment arbitrarily targeted people of color, especially Black men whose victim was white.

Some scholars suggest that the imposition of the death penalty upon Blacks reveals the ongoing effects of discrimination throughout American history. Yet as scholars who examine the intersection of race and the law learn more about the experience of other groups racialized by law and punishment in the United States, we have begun to ask how we might extend our understandings of the death penalty and racism. To wit, what situation befell non-Blacks facing capital punishment beyond the South? By examining the cases of transnational Mexicans condemned in the Southwest, scholars might profitably extend the scholarship of race relations in the United States.

Over the last twenty years or so, scholars working in the humanities, the law, and social science have departed from the use of the nation-state as an analytical tool. Scholars increasingly look to interactions between peoples and countries across borders and through time. To assess this change in the scholarship our first question must be: Why and to what effects have scholars overlooked the place of Mexican men condemned to die in the United States? If condemned Mexican nationals become our focus of attention, what new understandings about the death penalty and minorities might be generated? And, put differently, when the focus is on the death penalty and Mexican nationals, what new understandings emerge about the nature of the transnational migrant experience, for men, women, and families?

Several possibilities might arise:

1. That the bodies of Mexican migrants condemned to die actualize the sites of transnational conflicts over the meaning of the nation-state, and the significance of sovereignty in a globalized world.

2. That the bodies of condemned Mexican nationals are the sites of transnational conflicts because through them the United States, working through the Texas criminal justice system, can assert its right to police and discipline non-citizens, the majority of whom are working-class men from agrarian communities in Mexico.
3. That a public conflict with the United States over the rights of condemned Mexican nationals proves useful for the Mexican government's political legitimacy because it demonstrates its support for the rights of its nationals – many of whom experience extreme racial and class marginalization – in the United States.

We must also consider that the current strategy of the Mexican government to protect its nationals on U.S. death rows – the use of international laws governing consular notification in case of an arrest in a foreign country – was first applied in the case of Stanley Faulder, a Canadian national, executed in Texas in 1999. The fight over Faulder's execution will be analyzed in the third part of this class. But the case is important because it establishes the crucial significance of broadening the analytical focus of death penalty scholarship to account for the experiences and treatment of non-U.S. citizens condemned to die in the United States.

Required Reading

Luis Alberto Urrea, *The Devil's Highway. A True Story*. New York: Back Bay Books, 2004. ISBN: 0316010804 pbk

Additional Required Readings

These are available on WebCT at:

<http://sjsu.blackboard.com/public/js011df07pt/>

Additional Strongly Recommended Readings

Also available on WebCT.

Student Learning Goals and Class Activities

This MUSE course qualifies as an Area D1 (Social Sciences – Human Behavior) course in your General Education (GE) requirements. It is designed to enable you to achieve MUSE, GE, and disciplinary learning goals all focused on the study of the reality and perception of punishment across national borders.

MUSE learning goals are:

To establish a strong foundation for becoming a university level student and scholar.

- Students will engage in and learn the process of scholarly inquiry including searching for primary source materials and developing information competency. Students in the course will participate in library modules (including the Library Basics Tutorial (<http://tutorials.sjlibrary.org/librarybasics/index.html>) and the Library Plagiarism Tutorial (<http://tutorials.sjlibrary.org/plagiarism/index.htm>)); an introduction to the university library facility by LIBRARIAN NAME; and, complete papers including scholarly inquiry.

To become acclimated to the intellectual and social activities of university life.

- Students will attend a minimum of two MUSE workshops and one CommUnity Chat or one Simpsons Workshop. The workshop schedule can be found on the MUSE website <http://www.sjsu.edu/muse/>. Except for the Community Chat or Simpsons' workshop all other MUSE workshops require registration on the MUSE website.

Disciplinary and general education learning goals are:

- To increase understanding of human behavior and social interaction in the context of value systems, economic structures, political institutions, social groups, and natural environments.
 - To complete this course students will engage in a number of written and oral assignments, including: a diagnostic essay reflective of their own experience with punishment and immigration; six 2- page essays/source critiques that will lead to a 6-page final paper; 2 in-class exams (including a final exam); 5 one minute papers in class; a reflection on MUSE events; and, a reflection on study skills. Many of these papers will appraise sources, so as to assist students in understanding how to analyze punishment within the social, political, cultural, and economic spheres of human activity.
 - To identify and explain social and historical factors affecting capital punishment as imposed upon non-citizens in the United States.
 - To specifically address these objectives all students must come to class prepared, having completed the readings/assignments stipulated on that particular day.
- To analyze punishment and immigration in the context of social history, that is to identify the factors which contribute to social change and social continuity.
 - Diligent students will examine how and why Mexicans in the Southwest became the second conquered people of the United States.

- Students who apply themselves in the class will scrutinize the various factors which shaped and shape the northerly migration of people from Mexico.
- To identify the social and political forces that shape social cohesion and fragmentation in the context of punishment for non-citizens of the United States.
 - Attentive, applied students will understand how social and political forces shape social cohesion and fragmentation in the society by examining the historical, legal, and cultural records associated with the support, resistance, and ambivalence to the death penalty.
- To identify and explain the ethnic, class-based, gendered, regional, national, and transnational dimensions of punishment in terms of the social contexts of identity, politics, social structures, media, and social movements.
 - By the end of this course, diligent students will be able to identify and understand the dimensions of punishment by viewing films and then writing reflections in response to them. They will also participate in one-minute papers that will measure their understanding of the social contexts of identity, politics, social structures, media, and social movements. The 2-page essay on XXX and the 2-page sociocultural issue essay will cover one or more aspects of this objective.
- To identify, describe, and analyze the ways ethnic, class-based, gendered, regional, national, and transnational dimensions of punishment are politically and socially constructed, as well as the ways in which people, with a multiplicity of competing identities (ethnicity, class, gender, national origin), act in conjunction and in opposition to social constructions (in terms of human agency) which seemingly make punishment meaningful.
 - All of the work conducted in this course identifies, describes, and analyzes how punishment operates at multiple levels of analytical inquiry based upon empirical evidence. Further, they will develop a critical perspective essay on sociocultural issues related to the imposition of punishment upon non-nationals of the punishing state.
- To analyze the ways in which individuals and groups have resisted traditional conceptions of immigration, transforming the nature of punishment as a disciplinary force.
 - The students will read, discuss, and appraise Luis Alberto Urrea, *The Devil's Highway*, trying to understand the fatal reality rather than the political rhetoric behind immigration. Students will consider the implications of understanding immigration through the lenses of crime and punishment.
- To examine and analyze cultural, historical, environmental, and spatial contexts for exclusion based upon citizenship status.
 - The course begins with a 2-page reflective essay on the students' personal experiences with people from another culture. The additional six 2-page source critiques will enhance students' ability to identify cultural, historical, environmental, and spatial contexts of punishment, immigration, and border construction and crossing.
- To identify the dynamics of ethnic, cultural, gender, sexual, age-based, class, regional, national, transnational, and global forces which shape punishment and immigration.

- In this class we will observe ethnic, cultural, gender, sexual, age-based, class, regional, national, transnational, and global identities. We will explore some of these issues using movies, including *The Ballad of Gregorio Cortez*, *Zoot Suit*, and *El Norte*, all of which deal with punishment, immigration, and transnational issues. The inclusion of Z. Z. Packer, *Drinking Coffee Elsewhere* as an assigned reading and as the basis of classroom discussion will enhance students understanding of these dynamics.
- To examine and evaluate the relationship between nation-states over immigration and punishment from a social science and critical perspective.
 - In the final 6-page paper students will be given the opportunity to review all of their written assignments, exams, and in-class activities to examine and evaluate punishment across borders from a critical perspective. Assigned readings—chapters, scholarly articles, primary sources—will address these issues in some fashion.
- To formulate application from readings, class activities, and discussions to social issues related to punishment and immigration in a variety of settings affecting our contemporary culture.
 - Students will be given the opportunity to examine what they take for granted and the meaning of privilege in our contemporary culture.

Course Evaluation

This course requires full and active participation in discussion and preparation for class. In preparation for each class meeting you will be responsible for reading required materials, as well as supplementing these materials with additional resources, such as: academic or scholarly, web based, and commercial sources. The MUSE course is developed to enhance your learning by tuning you in and turning you on to your learning style. We will utilize your learning style to make the most out of your educational experience at San José State University.

Activity	Points
<p><u>Reflective Essay and Discussion</u> (Diagnostic), September 5, 2006 California has one of the highest incarceration rates in the world. The state is also home to many peoples from around the world. A reflective essay on how either immigration or punishment have shaped your life is required and will be used as a diagnostic essay. A reflective essay is one where you place your life experiences in the context of the focus of the essay.</p>	05
<p><u>Class Participation</u> (Formative) Students are required to class prepared and ready to participate in MUSE seminar activities. Prepared means you have read the required materials and all work is complete and on time. This preparation will help as you organize your thoughts for the critical inquiry that will occur in the classroom each week. Our MUSE seminar requires your full and active participation in a variety of classroom activities. (Reflect upon the definition of the verb, to muse.) Students are required to set up a meeting time with NAME (Peer Mentor) in the new Peer Mentor Center.</p>	05
<p><u>Source Critiques</u> (Formative) (6 essays * 05)</p> <ul style="list-style-type: none"> • Monday 17 September – Primary Source • Wednesday 26 September – Primary Source • Wednesday 3 October – Primary Source • Wednesday 24 October – Secondary Source • Monday 12 November – Secondary Source • Wednesday 21 November – Primary Source 	30
<p><u>2 in class exams</u> (@ 10 points each) (Formative), DATES Exams will comprise identification questions, for which you will both have to identify the issue or event, and explain its significance.</p>	20
<p><u>5 one minute papers</u>, in class writing (Formative) The one minute papers will be given on any given day immediately when the class is ready to begin. These papers will include our discussions in seminars; readings assigned; and/or required essay materials.</p>	05
<p><u>Attendance and reflection essay</u> on Two MUSE-sponsored events, November 16, 2006 Attendance at 2 MUSE sponsored events is required. Submit a reflection of these events in a paragraph response.</p>	05
<p><u>A reflective essay</u> on study skills, September 24, 2006</p>	05

	Provide a reflection of your study skills in a 2 page response. What activities do you engage in to prepare for studying? What are the methods you use to study? What are some of the things you can take advantage of to become more studious?	
	<u>Final paper</u> (6 page paper) (Summative), December 5, 2006 The weaving together of the six source critiques developed for class will represent the final paper for this class. All conceptual, grammatical, and format adjustments as well as organizational changes suggested in earlier versions should be incorporated into the final paper. Assume by reading your paper the reader will be apprised of the dilemma of capital punishment.	10
	<u>Final exam</u> (Summative), Friday 14 December 2007 0945 – 1200 The final exam will be comprehensive so that MUSE, GE, and disciplinary learning goals are measured.	15

Grading Criteria

90-100 points	A range
80-89 points	B range
70-79 points	C range
60-69 points	D range
< 60 points	F

Course Conduct

As a member of a MUSE Seminar you are expected to:

- Come to class prepared and on time
- Ask questions and participate in class discussions
- Complete all assignments on time
- Come and see me during my office hours or by appointment at least once during the semester

All written assignments are due and must be submitted in class on the date listed on the course schedule. Failure to submit an assignment on the due date will result in ½ a letter grade subtraction for each late day beginning immediately following class on the day of the class.

All assignments must be completed to receive a grade for this class. Any failure to submit an assignment or take an exam will result in a U grade assigned. Incompletes will only be given when serious and compelling reasons exist.

Essays will be focused on specific topics that fit the disciplinary perspective that we are discussing at the time. I expect that each essay will represent a specific and narrow strand related to the focus provided, and recognizing differing perspectives reflected on issues by our various identities.

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>

**Punishment across Borders:
 Condemned Mexican Nationals in the Contemporary United States**

*Course Calendar
 Fall 2007*

Day	Class Theme	Assignment Due
M Aug 27	Introduction to the Class	E-mail Addresses / Syllabus / Peer Mentor / WebCT Registration / Timmons Office BT 454
Unit One	History	Punishment as Transnational: Prisons and Executions in Nineteenth-century Mexico and Texas
W Aug 29	The importance of the historical enterprise to scholarship. Or, how to understand the past through written and visual records?	Reading Assignment: James West Davidson and Mark Hamilton Lytle, "Prologue: The Strange Death of Silas Deane," in <i>After the Fact: The Art of Historical Detection</i> . New York: McGraw Hill, 2005: pp. xv – xxxi. WebCT and by e-mail.
M Sept 3	LABOR DAY	
W Sept 5	Scholarship helps us understand our unstated assumptions and beliefs.	Written assignment: 2 page, double-spaced, reflective piece about how punishment and immigration have shaped your life.
M Sept 10	The scholar's sanctuary: Orientation to the Library.	Meet in MLK Library, Room 219 with Justice Studies Librarian Nyle Monday. Assignment: Library Basics Tutorial and Library Plagiarism Tutorial
W Sept 12	Death and the Idea of Mexico	Reading Assignment: Christon I. Archer, "Death's Patriots—Celebration, Denunciation, and Memories of Mexico's Independence Heroes: Miguel Hidalgo, José María Morelos, and Agustín de Iturbide," in Lyman L. Johnson ed. <i>Death, Dismemberment, and Memory: Body Politics in Latin America</i> . Albuquerque: University of New Mexico Press, 2004. WebCT
M Sept 17	Foreigners in Mexican Prisons I: The Case of Eduard Harkort	Read extracts from: Lewis E. Brister, <i>In Mexican Prisons, 1832 – 1834</i> . College Station, TX, 1986. WebCT. Source Critique 1
W Sept 19	Foreigners in Mexican Prisons II: Texas' Mier Expedition, Santa	Read extracts from: Sam Haynes, <i>Soldiers of Misfortune. The Somervell and</i>

	Anna, and the Black Bean Executions	<i>Mier Expeditions</i> . Austin: The University of Texas Press, 1990. WebCT.-
M Sept 24	Study Skills Review	Writing Assignment: 2 page analysis of your study skills.
W Sept 26	A Delicate Subject for Nuanced Analysis: Lynching in the South and Southwest	Examine: Pictures from James Allen, <i>Without Sanctuary: Lynching Photography in America</i> . New York: Twin Palms Publishers, 2000. WebCT. Source Critique Two
F Sept 28	Film Screening	<i>The Ballad of Gregorio Cortéz</i>
M Oct 1	Lynching in the Deep South	Read: Ida B. Wells, <i>Southern Horrors</i> . WebCT.
W Oct 3	Reflection on Violence	Listen: El Corrido de Gregorio Cortéz Source Critique Three
M Oct 8	Lynching in the Southwest	Read: William D. Carrigan and Clive Webb, "The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 – 1928," <i>Journal of Social History</i> 37:2 (Winter 2003): 411 – 438. WebCT / Library Web site.
W Oct 10	Conclusion	The Heritage of Hatred: Discrimination in the Southwest In-class Exam

Unit Two	Making "Modern" Societies	Reform and Resistance to Punishment in Mexico and the Southwestern United States
M Oct 15	Mexican Tourists visit American Prisons: Manuel Payno goes to Cherry Hill Penitentiary	Read: Primary Source: Translation of Payno's Account of His Visit to Cherry Hill Penitentiary
W Oct 17	Santa Anna and Executions	Analyze: Primary Source: Image depicting Santa Anna's despotism. WebCT.
M Oct 22	Mexico's Death Penalty Abolitionism	Read: Patrick Timmons, "Seed of Abolition: Experience and Culture in the Desire to End Capital Punishment in Mexico, 1841 – 1857," in <i>The Cultural Lives of Capital Punishment: Comparative Perspectives</i> edited by Austin Sarat and Christian Boulanger. Stanford, CA: Stanford University Press, 2005: pp. 69 – 91. WebCT.
W Oct 24	Consular Activism in the United States	Read: Mario T. Garcia, "Porfirian Diplomacy and the

		Administration of Justice in Texas, 1877 – 1900," <i>Aztlán</i> 16:1 (1985): 1 – 25. WebCT / Library Web Site. Source Critique Four
M Oct 29	Community Resistance to Fatal Justice in the Early Twentieth Century	Read: Extract from: F. Arturo Rosales, <i>Pobre Raza! Violence, Justice, and Mobilization among Mexico Lindo Immigrants, 1900 – 1936</i> . Austin, TX: University of Texas Press, 1999. WebCT.
W Oct 31	Voice against State Violence	Who was Alice McGrath? Watch: <i>The Life and Times of Alice McGrath</i>
F Nov 2	Film Screening	<i>Zoot Suit</i>
M Nov 5	Discussion	Reading Assignment: Luis Alberto Urrea, <i>The Devil's Highway</i> .
W Nov 7	Conclusion	In-class Exam

Unit Three	Immigration and Punishment	Condemned Mexican Nationals in Texas and the Threat of the Alien "Other"
M Nov 12	"Othering" Mexicans through Race, Class, and Gender	Reading Assignment (Strongly Recommended): Diego O. Castro, "'Hot blood and Easy Virtue': Mass Media and the Making of Latino/a Stereotypes," in <i>Images of Color, Images of Crime</i> . Los Angeles: Roxbury Publishing Company, 1998. WebCT. Source Critique Five
W Nov 14	"Othering" and Immigration Law	Reading Assignment (Strongly Recommended): Laura E. Gomez, "'Constructing Latino/a Identities' 187: The Racial Politics of Immigration Law," <i>Chicano-Latino Law Review</i> 18 (1998): 187 – 191. WebCT.
M Nov 19	A Modern Gregorio Cortez? The Only Mexican to Get Away from the Texas Death House: Ricardo Aldape Guerra, 1992 – 1998.	Reading Assignment: Aldape Appeal and Prosecutor's Rebuttal. WebCT.
W Nov 21	THANKSGIVING	No class.
M Nov 26	Death and Myth Making	Listen: Los Rieleros del Norte, "Ricardo Aldape." Source Critique Six.
W Nov 28	Police Abuse? The Systematic Denial of	Reading Assignment:

	Consular Notification to Arrested Foreign Nationals	Extract from Mexico's Complaint to the International Court of Justice in the Hague, January 2003. WebCT.
M Dec 3	Film Screening	<i>El Norte</i>
W Dec 5	Policing Mexicans	Reading Assignment: Joseph Nevins, "The Ideological Roots of the 'Illegal': The 'Other' as Threat and the Rise of the Boundary as the Symbol of Protection," in <i>Operation Gatekeeper: The Rise of the "Illegal Alien" and the Making of the U.S.-Mexico Boundary</i> . London: Routledge, 2002. WebCT. Final Paper
M Dec 10	Conclusion	Review
Friday 14 December	Final Exam	Time: 0945 - 1200