

## CRIMIN 6430: Law and Social Control

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Class sessions: 5:30-8:10pm Thursdays, Clark Hall 314

### Course description

This course presents an overview of theories and themes of law and social control: why we have the laws we do, how we maintain social order and cohesion (or not), and how our laws and practices reflect racial, political, economic, and other kinds of power. We will consider some basic approaches to law and lawmaking, as well as theoretical approaches to punishment—in other words, the “why” and the “how” of criminal justice laws, policies, and practices. Particular attention is paid to how the criminal justice system reflects and reproduces social structure (race, class, gender). The class is divided into two components: 1) theories of law, social control, and punishment and 2) themes/topics around law and social control

### Learning Objectives

- Understand theoretical perspectives on law, punishment, and methods of social control
- Understand how law and the criminal legal system relates to social structure, as well as how race, gender, economics, and other social forces impact law-making, law-breaking, and shape who gets processed in the criminal legal system

### Texts and materials

Kitty Calavita (2016). *Invitation to Law & Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press. 2<sup>nd</sup> edition.

*All other texts will be posted on Canvas*

### Course logistics

- I will post the syllabus and readings on Canvas, so make sure you check it regularly.
- This class is planned to be entirely in-person. If you need to miss class for whatever reason, please let me know. You do not need to detail/document the reason (this is grad school!). I do expect that you keep up with the class material. If there is an ongoing issue, please let me know, and I’m happy to make reasonable accommodations.
  - If we need to go remote as a class, you need to have access to a computer with a camera and microphone, an internet connection, and [Zoom](#). You can get a free Zoom account with your University of Missouri email.
- Please let me know if you need any disability accommodations. I will happily make accommodations through the [office of disability services](#) (314.516.6554).

### Assignments and Grading

1. **Weekly “blogging”/discussion board posts (10 x 2% each = 20% total).** You are required to do 10 weeks worth of “blogs” or discussion board posts on Canvas. In the posts, you will blog about at least one of the class readings (either required or optional)

for that week and a) capture what you think the main concept/argument(s) is in the reading and raise any questions you have (if you have any), and b) reflect on the material, which may include relating the readings to something in your own life—whether it’s something you see on social media, or in the news, or something you experience with your family or friends. You can also write about how it might matter for your final writing project (see #4 below). Blog posts should be at least 200 words, and will be graded based on the depth and ability to capture the main concept/argument of the response, as well as the integration of the reading(s) to your opinions or experience. You can choose which 10 weeks you want to post, but you must blog over 10 separate weeks—so there is no double- or triple- posting in a single week. Blogs are due on **Thursdays at 5:00pm.**

If you find yourself getting bogged down in reading academic articles, check out these sources for tips: <https://writingcenter.gmu.edu/guides/strategies-for-reading-academic-articles> and <http://www.raulpacheco.org/resources/reading-strategies/>

2. **Reading overview/leading discussion (30%):** We will divide the readings each week so that 1 person is responsible for preparing 2-3 slides a) introducing the main concepts or argument in the reading, and then b) posing 3 discussion questions to facilitate discussion about the reading. **MA students are expected to lead discussion questions for 2 readings over the course of the semester, and PhD students are expected to do the reading overview/lead discussion for 4 readings.**

As the reading overview/discussion leader, you should email me your slides by **Wednesday evening (11:59pm)** for the following day, and I will post them on Canvas. You should expect to use about 5 minutes to present the main concepts or argument for the reading, and then 15-20 minutes of in-class time for discussion questions. As you prepare your presentations, consider the following:

- What should the class know about the reading? Think about key points of the reading that your peers should take away from the discussion
  - Why is this reading important/relevant today? Even if this was written a zillion years ago, are there ideas that still matter for us today?
  - What are the implications for the reading?
3. **Participation (10%):** Participation in class discussions when you are not leading the reading. Even if you are not in charge of leading a particular reading, I still expect you to read and engage with the discussion questions.
  4. **Final writing project (40%):** you will choose a writing project for this course. These are slightly different guidelines for master’s vs. PhD students. Master’s students are also welcome to pick one of the PhD assignments if you prefer, but you need to get the project approved by me first.

For MA students, writing projects include two components: a) a literature review (including the class readings, plus the outside sources), and b) an application/analysis section, where you are applying the concepts by selecting one of the three options below.

Writing projects should be between 2,500-5,000 words, including bibliography, and should include at least 5 peer-reviewed outside sources in addition to the class readings used. The three options for your application/analysis are:

- Law and social control in policy/current event: pick a week of readings, and then connect the concepts in these readings to a criminal legal system policy (e.g. stop-and-frisk, gun control, death penalty) or current event(s) (e.g. covid-19 response in different areas, #BlackLivesMatter protests, etc.). Make sure you cite research on the policies and/or news sources.
- Law and social control in institutions: examine an institution/organization's website and social media (e.g. police department, prison or jail system, probation, public housing, school, hospital, neighborhood association, etc.) pick a week of readings, and connect the concepts in these readings to your chosen institution's messaging and presentation. Make sure you cite websites/social media accounts.
- Law and social control in pop culture (adapted from [Dr. Jennifer Sims](#)): connect theories/concepts in the readings to a fictional story or universe in literature, television, or movies (e.g. Marvel universe, Harry Potter, Walking Dead, Lord of the Rings, Game of Thrones). Describe the story/universe in a paragraph at the beginning of the application/analysis section, and use concepts from the readings to discuss how law and social control themes operate in this story/universe. Make sure you cite the movies/books/comics etc. appropriately.

For PhD students, you must also draw from multiple class readings and apply the concepts in the readings in your writing projects. The topic and format need to be approved by me, and you can work on one of the following options below. Writing projects should be between 4,000-7,000 words, including bibliography, although I will allow some flexibility depending on the project. You should be using at least 10-20+ peer-reviewed sources in addition to the class readings.

- Article manuscript: does not need to include methods/findings/discussion, but I would want to see a literature review and a current study section
- Grant or fellowship proposal: does not need to include methods/budget/roles, but a literature review and project design
- Prospectus/literature review for a thesis or dissertation: hopefully pretty self-explanatory—this can focus in-depth on the literature review, summarized by topic, and identifying holes in the literature
- Comprehensive exam draft: either for the empirical or theoretical comp

#### **Grade categories**

93.5 +	A	73.5-76.4	C
89.5-93.4	A-	69.5-73.4	C-
86.5-89.4	B+	66.5-69.4	D+
83.5-86.4	B	63.5-66.4	D
79.5-83.4	B-	59.5-63.4	D-
76.5-79.4	C+	Below 59.5	F

**Schedule—we may make adjustments as we go along!**

## Part I. Theories of law, social control, and punishment

### Week 1 Jan 19: What is the law, social control, and their relationship to criminology?

- Susan Silbey (2002). Mutual engagement: Criminology *and* the sociology of law
- Further reading: Richard Abel (1995) “What We Talk About When We Talk About Law,” in R. Abel, ed., *The Law and Society Reader*.
- Further reading: Jason Carmichael (2012). *Social Control*.
- Further reading: Check out relevant professional societies and journals:
  - [Law and Society Association](#)
  - [Law and Society Review journal](#)
  - [Punishment and Society journal](#)
  - [Law and Social Inquiry journal](#)

### Week 2 Jan 26: Durkheim and Structural Functionalism

- Dragan Milovanovic (2010). *Emile Durkheim: Toward a Systemic Sociology of Law*
- Donald Black (1976). *The Behavior of Law* (excerpt).
- David Greenburg (1983). *Donald Black's Sociology of Law: A Critique*
- Further reading: Donald Black (1972). *The Boundaries of Legal Sociology*

### Week 3 Feb 2: Marx and Marxist Thought

- Kitty Calavita, Ch. 1-2
- Dragan Milovanovic (2010). *Karl Marx: Law in a Political Economy*
- Jeffrey Reiman (1998). *The Rich Get Richer, the Poor Get Prison*, Introduction and Chapter 1
- Further reading: Georg Rusche. *Labor Market and Penal Sanction: Thoughts on the Sociology of Criminal Justice*
- Further reading: Cedric Robinson (1983). *Black Marxism: The Making of the Black Radical Tradition*.
- Further watching: Robin D.G. Kelley (2017). [What is Racial Capitalism and Why Does it Matter?](#)
- Further reading: Stuart Hall (2011). *The Neo-Liberal Revolution*.
- Further reading: Thomas Bates (1975). Gramsci and the Theory of Hegemony.

### Week 4 Feb 9: Weber, legitimacy, procedural justice, and legal cynicism

- Dragan Milovanovic (2010). *Max Weber: Law in Economy and Society*
- Tom Tyler (2003). *Procedural Justice, Legitimacy, and the Effective Rule of Law*
- Valerie Jenness and Kitty Calavita (2018). “It Depends on the Outcome”: Prisoners, grievances, and perceptions of justice.
- Robert Sampson and Dawn Jeglum Bartusch (1998). *Legal cynicism and (subcultural?) tolerance of deviance: The neighborhood context of racial differences*.
- Further reading: James Farganis (2004). Max Weber: The Iron Cage. In *Readings in Social Theory: The Classic Tradition to Post-Modernism*.
- Further reading: Jacinta Gau (2015). Procedural Justice, Police Legitimacy, and Legal Cynicism: A Test for Mediation Effects

### **Week 5 Feb 16: Theories of punishment**

- Michel Foucault (1975). *Discipline and Punish* (excerpt).
- David Garland (2012). “A History of the Present” in *The culture of control: Crime and social order in contemporary society*. (ch. 1)
- Malcolm Feeley and Jonathan Simon (1992). The New Penology: Notes on the emerging strategy of corrections and its implications. *Criminology*.
  - Malcolm Feeley and Jonathan Simon (2018). [Oral History of Criminology Project](#).
- Further reading: David Garland (1985). Punishment and Welfare (excerpt).
  - Further watching: David Garland (2020). [Keynote, Prisons and Punishment Conference](#)
- Further reading: Jonathan Simon (1993). *Poor Discipline: Parole and the Social Control of the Underclass, 1890-1990*. (excerpt)
- Further reading: David Garland (1991). *Sociological Perspectives on Punishment*. Note: this has a good summary of Foucault if you are struggling with it!
- Further reading: Pierre Bourdieu (1987). *The Force of Law: Toward a Sociology of the Judicial Field*.

### **Week 6 Feb 23: Critical Race Theory**

- Richard Delgado and Jean Stefanic. (2001). *Critical Race Theory: An introduction*, Ch. 1-2, 5
- Kimberle Crenshaw. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.
  - Further watching: Kimberle Crenshaw (2016) [“The Urgency of Intersectionality” Ted talk](#) Note: the last 2:30 minutes of the video contain images of police violence. If you do not feel comfortable watching, you are welcome to skip this.
- Derrick Bell (1980). *Brown v. Board of Education and the Interest-Convergence Dilemma*.
- Further reading: Kitty Calavita, Ch. 4
- Further reading: Khalil Muhammad (2010). *The Condemnation of Blackness: Race, crime, and the making of Modern Urban America*. (excerpt)
- Further reading: Cheryl Harris (1993). *Whiteness as Property*.
- Further reading: Osagie Obasogie (2013). *Forward: Critical Race Theory and Empirical Methods*.

## **Part II: Themes and topics in law and social control**

### **Week 7 Mar 2: law on the books vs. law in action, legal consciousness, lawmaking in the everyday**

- Kitty Calavita, Ch. 3, Ch. 6
- Patricia Ewick and Susan Silbey (1998). *Common Place of Law* (excerpt)
- Michael Lipsky (2010). *Street-level Bureaucracy: Dilemmas of the Individual in Public Services* (excerpt).
  - Further watching: Michael Lipsky (2010). [Street Level Bureaucrats](#).

- Further reading: Forrest Stuart (2016). Becoming “Copwise”: Policing, Culture, and the Collateral Consequences of Street-Level Criminalization
- Further reading: Susan Silbey and Ayn Cavicchi (2005). *The Common Place of Law: Transforming matters of concern into objects of everyday life.*
- Further reading: Mari Matsuda (1987). *Looking to the Bottom: Critical Legal Studies and Reparations.*
- Further reading: Mark Tushnet. (1991). *Critical Legal Studies: A Political History.*
- Further reading: Mariana Valverde (2012). *Everyday Law on the Street*

### **Week 8 Mar 9: Defining crime: the creation of crime, politics of crime, and social control**

- Howard Becker (1961). “Moral entrepreneurs: the creation and enforcement of deviant categories.” In *Deviant Behavior: A text-reader in the sociology of deviance*, edited by Delos H. Helly.
- Jonathan Simon (2007). *Governing Through Crime: How the war on crime transformed American democracy and created a culture of fear.* (excerpt).
- Erich Goode and Nachman Ben-Yehuda (1994). *Moral panics: culture, politics, and social construction.*
- Katherine Beckett and Theodore Sasson (2004). *The Politics of Injustice* (excerpt).
- Further reading: David Matza and Patricia Morgan (2003). Controlling Drug Use: The Great Prohibition. In *Punishment and Social Control*, Thomas Blomberg and Stanley Cohen, eds.
- Further reading: William Chambliss (1964). A sociological analysis on the law of vagrancy. *Social Problems.*
- Further reading: Michael Campbell & Heather Schoenfeld. (2013). The Transformation of America’s Penal Order: A historicized political sociology of punishment. *American Journal of Sociology.*
- Further reading: Marie Gottshalk (2015). *Caught: The Prison State and the Lockdown of American Politics.* (excerpt)
- Further reading: Stuart Scheingold (2004). [\*The Politics of Rights: Lawyers, Public Policy and Political Change.\*](#)

### **Week 9 Mar 16: The nexus of punishment, treatment, and welfare**

- Michelle Phelps and Ebony Ruhland (2022). Governing marginality: Coercion and care in probation. *Social Problems*, 69(3), 799-816.
- Marco Brydolf-Horwitz and Katherine Beckett (2021). Welfare, Punishment, and Social Marginality: Understanding the Connections.
- Reuben Miller and Forrest Stuart (2017). Carceral citizenship: Race, rights and responsibility in the age of mass supervision.
  - Further watching: Reuben Miller (2017). [\*On the Burden of Being a “Good” Ex-Offender.\*](#)
- Teresa Gowan and Sarah Whetstone (2012). Making the criminal addict: Subjectivity and social control in a strong-arm rehab.
- Further reading: Katherine Beckett and Bruce Western (2001). *Governing Social Marginality: Welfare, incarceration, and the transformation of state policy.*

- Further reading: Katherine Beckett and Naomi Murakawa (2012). *Mapping the Shadow Carceral State: Toward an Institutionally Capacious Approach to Punishment*.
- Further reading: Allison McKim (2017). *Addicted to Rehab: race, gender, and drugs in the era of mass incarceration* (excerpt).

### **Week 10 Mar 23: Law and inequality**

- Alexes Harris (2016). *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor* (excerpt).
  - Further watching: Alexes Harris (2021). [Monetary Sanctions as a Punishment Project](#).
- Dorothy Roberts (1998). Race, vagueness, and the social meaning of order-maintenance policing.
- John Halushka (2020). *The Runaround: Punishment, Welfare, and Poverty Survival After Prison*
- Elizabeth Korver-Glenn (2018). Compounding inequalities: How racial stereotypes and discrimination accumulate across the stages of housing exchange.
- Further reading: Armando Lara-Millan (2021). *Redistributing the poor: Jails, hospitals, and the crisis of law and financial austerity*. (excerpt).
- Further reading: Amanda Geller and Jeffrey Fagan. (2010). *Pot as Pretext: Marijuana, Race, and the New Disorder in New York City Street Policing*.
- Further reading: Mona Lynch (2016). *Hard Bargains: The Coercive Power of Drug Laws in Federal Court*. (excerpt).
- Further reading: Nicole Gonzalez Van Cleve (2016). *Crook County: Racism and Injustice in America's Largest Criminal Court* (excerpt).
- Further reading: John Goldkamp (1979). *Two Classes of Accused: a study of bail and detention in American justice* (excerpt).

### **Spring Break: Mar 30**

### **Week 11 Apr 6: Space, social control, and marginalization**

- Colin Gordon (2008). *Mapping Decline: St. Louis and the Fate of the American City* (excerpt).
  - Further watching: Colin Gordon (2019). ["Citizen Brown"](#)
- Forrest Stuart (2013). *From 'Rabble Management' to 'Recovery Management': Policing Homelessness in Marginal Urban Space*.
- Katherine Beckett and Steve Herbert (2009). *Banished: The New Social Control in Urban America* (excerpt).
- Further reading: Loic Wacquant. (2003) *America's new "peculiar institution": On the prison as the surrogate ghetto*
- Further reading: Richard Rothstein. (2017). *The Color of Law: A Forgotten History of How Our Government Segregated America* Further reading: Matthew Desmond (2016). *Evicted: Poverty and Profit in the American City* (excerpt).

- Further reading: Mona Lynch, Marisa Omori, Aaron Roussell, and Matthew Valasik. (2013). *Policing the Progressive City: The Racialized Geography of Drug Law Enforcement*.
- Further reading: Steve Herbert (1996). *The Geopolitics of the Police: Foucault, disciplinary power, and the tactics of the Los Angeles Police Department*.

### **Week 12 Apr 13: Risk, surveillance and technology**

- Virginia Eubanks (2017). *Automating Inequality: How high-tech tools profile, police, and punish the poor* (excerpt).
- Sarah Lageson (2020). *Digital Punishment: Privacy, stigma, and the harms of data-driven criminal justice* (excerpt).
  - Further watching: Sarah Lageson (2021). [Digital Punishment: Privacy, stigma, and the consequences of data-driven criminal justice](#).
- Bernard Harcourt (2007). *Against Prediction: Profiling, policing, and punishing in an actuarial age* (excerpt).
- Tim Goddard and Randy Myers (2017). *Against evidence-based oppression: Marginalized youth and the politics of risk-based assessment and intervention*.
- Further reading: Bernard Harcourt (2010). *Risk as a Proxy for Race*.

### **Week 13 Apr 20: Criminal justice as organizations**

- Diane Vaughn (2002). *Criminology and the Sociology of Organizations*.
- Leslie Paik (2006). *Organizational Interpretations of Drug Test Results*.
- Jeff Ulmer (2019). Criminal courts as inhabited institutions: Making sense of difference and similarity in sentencing.
- Tracey Meares (2015). *Programming Errors: Understanding the Constitutionality of Stop-and-Frisk as a Program, not an Incident*.
- Further reading: John Hagan (1989). *Why is there such little criminal justice theory? Neglected Macro and Micro-level links between organization and power*.
  - Further watching: [John Hagan's \(2016\) Oral History of Criminology](#).
- Further reading: James Eisenstein and Herbert Jacob (1977). *Felony Justice: An organizational analysis of criminal courts*.
- Further reading: Armando Lara-Millan and Nicole Van Cleve (2017). *Interorganizational utility of welfare stigma in the criminal justice system*.
- Further reading: Erving Goffman (1957). Characteristics of total institutions. *Symposium on Preventive and Social Psychiatry*.
- Further reading: Ashley Rubin (2023). *The promises and pitfalls of path dependence frameworks for analyzing penal change*.

### **Week 14 Apr 27: Mass criminalization**

- Michelle Phelps (2017). Mass probation: Toward a more robust theory of state variation in punishment.
- Issa Kohler-Hausmann (2018). *Misdemeanorland: Criminal courts and social control in an age of broken windows policing*. (excerpt)
  - Further watching: Issa Kohler-Hausmann (2018). [Misdemeanor Arrests](#).

- Dorothy Roberts (2004). The social and moral cost of mass incarceration in African-American communities *Stanford Law Review*.
- Mona Lynch (2012). Theorizing the 'War on Drugs' in US Punishment.
- Further reading: Reuben Jonathan Miller (2021). Halfway Home: Race, punishment, and the afterlife of mass incarceration (excerpt).
- Further reading: Bruce Western (2006). Homeward; Life in the year after prison (excerpt).
- Further reading: Angela Davis (2005). *Are Prisons Obsolete?* (excerpt)
- Further reading: Michelle Alexander (2010) *The New Jim Crow* (expert)

**Week 15 May 4: catch up and work on projects**

**Finals week: May 11: writing project due**