



# Sociology UNIVERSITY OF TORONTO

## SOC6206S Sociology of Crime and Law III: Punishment Winter 2023

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**Instructor: Professor Paula Maurutto**

**Class Hours & Location:** Thursdays 12:00-2:00, Rm. 17024 (700 University Ave.)

**Email:** [p.maurutto@utoronto.ca](mailto:p.maurutto@utoronto.ca)

**Office Hours:** Thursdays 2:30-3:30 or by appointment

**Course Website:** Quercus <https://q.utoronto.ca>

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### COURSE DESCRIPTION:

The first part of the course surveys key theories and conceptual frameworks that have shaped the fields of criminology and the sociology of punishment. The course will then examine how particular frameworks of risk, regulation, containment, and surveillance have impacted practices of punishment. Particular attention is paid to how neoliberal penal politics, actuarial risk and surveillance have resulted in mass incarceration and the targeting of racial minorities. We will analyze how marginalized populations are constructed as security risks in need of regulation.

Each of the weekly topics include required readings along with a list of additional related readings for students who wish to further explore a topic of interest. Students are welcome to add readings to the additional list.

The goals for this course are to equip students to critically analyze and evaluate the principles, assumptions and limitations of theories and conceptual frameworks in the field of criminology and the sociology of punishment.

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### COURSE REQUIREMENTS:

**Participation and Discussion:** 11%

Students are required to attend class weekly and participate in seminar discussions.

**Discussion Posts:** 9%

Students are required to submit 9 discussion posts based on one or two of the weekly assigned readings (minimum 250 words). These should go beyond simple summaries. They can identify confusing ideas, gaps, or contradictions in arguments. You can also include questions for discussion. These must be posted by Wednesday at 5:00 pm.

**Presentations:**

10%

Students will be required to lead 1-2 seminars. You will be required to provide a 5-minute overview of the readings and lead the discussion. The presentations can raise some of the questions posted to the discussion board. Or the readings can be related to a contemporary topic of interest to the student.

**Reading Responses:**

30%

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

**Essay:**

40%

Students have the option of writing 1) a critical literature review, 2) a research proposal or 3) a research paper. The critical literature review will incorporate readings from the required and additional reading list along with additional sources relevant to the topic. The research proposal will include a literature review, a statement of research questions and a detailed methods section outlining how data will be collected and analyzed. The research paper will involve an investigation of a topic related to the course and will normally incorporate original research. I will meet with each of you no later than week 8 of the semester to discuss your topic for the final paper. (15-20 pages double-spaced).

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**SESSION TOPICS AND READINGS:**

\* Identifies readings on the Sociology of Crime and Law comprehensive exam.

**January 11: The legal art of criminalizing behaviour**

The article by Chambliss and next week's excerpts by Marx discuss how the legal system operates to criminalize the common behaviour of the poor.

\*Chambliss, W. J. 1964. "A Sociological Analysis of the Law of Vagrancy." *Social Problems* 12(1):67-77.

*Additional Related Readings:*

- \*Rafter, N. H. 1997. *Creating Born Criminals*. Chicago, IL: University of Illinois Press. [Introductory chapter]

**January 18: Marx and the Political Economy of Mass Incarceration**

Marx's writing presents a case for how owners used the state to enact laws criminalizing the common practice of gathering fallen wood. The Wacquant, as well as the Beckett and Western articles blend political economic theories to understand the rise of mass incarceration. Wacquant asserts an approach that moves beyond traditional "crime and punishment" approaches. His work situates the mass incarceration of blacks in the US within neoliberal economic shifts that coincide with the decline of the welfare state.

Marx, K. 1842. "Proceedings of the Sixth Rhine Province Assembly. Third Article. Debates on the Law on Thefts of Woods," *Rheinische Zeitung*. [select pages.]

\*Wacquant, L. 2001. "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh." *Punishment & Society* 3(1):95–133.

\*Beckett, K. and Western, B. 2001. "Governing Social Marginality: Welfare, Incarceration, and the Transformation of State Policy." *Punishment & Society* 3(1):43–59.

*Additional Related Readings:*

- \*Cohen, S. 1985. *Visions of Social Control: Crime, Punishment and Classification*. Wiley. [Introduction]
- \*Lynch, M. 2016. *Hard Bargains: The Coercive Power of Drug Laws in Federal Court*. New York: Russell Sage Foundation. [Introduction]

**January 25: From Slavery to Mass incarceration**

Collectively the articles draw on political economic theories to explain how black communities have been criminalized. Du Bois chapter was the first sociological study of black communities in the US. Alexander explores how the "War on Drugs" and colourblind policies led to the targeting and mass incarceration of black men. Eason's work examines the interplay between rural politics, economic development, poverty, and race in the building of US prisons.

\*Du Bois, W.E.B. 1899. "The Negro Criminal." In *The Philadelphia Negro: A Social study*. Philadelphia, PA: University of Pennsylvania Press.

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press, 2020. [Introduction]

\*Eason, J. M. 2017. *Big House on the Prairie: Rise of the Rural Ghetto and Prison Proliferation*. Chicago: University of Chicago Press. [Chapter 1]

*Additional Related Readings:*

- \*Maynard, R. 2017. *Policing Black Lives: State violence in Canada from slavery to present*. Winnipeg: Fernwood Publishing. [Introduction, Chapter 3]
- \*Owusu-Bempah, A. 2017. "Race and Policing in Historical Context: Dehumanization and the Policing of Black People in the 21st Century." *Theoretical Criminology* 21(1):23–34.
- \*Wortley, S. and Owusu-Bempah, A. 2011. "The Usual Suspects: Police Stop and Search Practices in Canada." *Policing and Society* 21(4):395–407.
- \*Epp, C. R., Maynard-Moody, S., and Haider-Markel, D. P. 2014. *Pulled Over: How Police Stops Define Race and Citizenship*. Chicago: University of Chicago Press. [Chapter 1]
- Rios, V. M. 2011. *Punished: Policing the Lives of Black and Latino Boys*. New York: NYU Press. [pp. 3-167]

## **February 1: Postcolonial and Indigenous Criminology**

Theorizing settler colonialism, territorial dispossession, and the over incarceration of Indigenous Peoples.

\*Cunneen, C. and J. Tauri. 2016. *Indigenous Criminology*. Chicago: Policy Press, 2016. [Introduction]

\*Razack, S. 2015. *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*. Toronto: University of Toronto Press. [Introduction]

\*Crosby, A. and J. Monaghan. 2016. "Settler Colonialism and the Policing of Idle No More," *Social Justice* 43(2):37-57.

### *Additional Related Readings:*

- Razack, S. (2014) "It happened more than once: Freezing deaths in Saskatchewan," *Canadian Journal of Women and the Law* 26(1): 51-80.
- \*Borrows, J. 2002. *Recovering Canada: The Resurgence of Indigenous Law*. Toronto: University of Toronto Press.
- \*Chartrand, V. 2019. "Unsettled Times: Indigenous Incarceration and the Links between Colonialism and the Penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61(3):67-79.
- \*Monchalin, L. 2016. *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*. Toronto: University of Toronto Press. [Introduction]
- \*Pasternak, S., S. Collins and T. Dafos. 2013. "Criminalization at Tyendinaga: Securing Canada's Colonial Property Regime through Specific Land Claims." *Canadian Journal of Law and Society* 28(1):65-81.

## **February 8: The Courts and the crisis of Indigenous overincarceration**

Countless commissions and inquiries have instructed the courts to sentence differently, yet little has changed.

\*Maurutto, P. and K. Hannah-Moffat. 2016. "Aboriginal Knowledges in Specialized Courts: Emerging Practices in Gladue Courts." *Canadian Journal of Law and Society* 31(3): 451-471.

\*Arbel, E. 2019. "Rethinking the 'Crisis' of Indigenous Mass Imprisonment." *Canadian Journal of Law and Society* 34(3):437-56.

### *Additional Related Readings:*

- Doob, A. N. and Sprott, J. B. 2007. "The Sentencing of Aboriginal and Non-Aboriginal Youth: Understanding Local Variation." *Canadian Journal of Criminology and Criminal Justice* 49(1):109-123.
- \*Aylward, C. A. 1999. *Canadian Critical Race Theory: Racism and the Law*. Halifax: Fernwood Publishing. (Preface, Intro, Chaps 2 & 3)
- \*Backhouse, C. 1999. *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*. Toronto: University of Toronto Press. (Intro, Chap 5)

## **February 15: Global South Criminology**

The articles examine how the production of knowledge and methods have privilege those produced from the global North. The articles redress this global imbalance by advancing research and knowledge from the global South.

\*Carrington, K., K. Hogg, R. Scott and J. Sozzo. 2018. *The Palgrave Handbook of Criminology and the Global South*. Palgrave Macmillan. [Chapters 1]

\*Carrington, K., M. Sozzo, M. and R. Hogg. 2016. "Southern Criminology." *British Journal of Criminology* 56:1-20.

\*Lee, M. and K. Laidler. 2013. "Doing Criminology from the Periphery: Crime and Punishment in Asia." *Theoretical Criminology* 17:141-157.

### *Additional Related Readings:*

- \*Moosavi, L. 2019. "A Friendly Critique of 'Asian Criminology' and 'Southern Criminology.'" *British Journal of Criminology* 59(2):257-275.
- \*Super, G. 2011. "Punishment and the Body in the 'Old' and 'New' South Africa: A Story of Punitive Humanism." *Theoretical Criminology* 15(4):427-443.

## **February 29: Foucault: Sovereignty, Discipline and Governance**

The articles contrast different forms of power in Foucault's work and how they permeate throughout society.

\*Foucault, M. 1977. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books. [Part 1, Chapter 1: The Body of the condemned; Part 4, Chapter 3: The Carceral].

Foucault, M. 1984. "Right of Death and Power over Life," in Paul Rabinow (ed.) *The Foucault Reader*. Pantheon Books.

### *Additional Related Readings:*

- \*Garland, D. 1990. *Punishment and Modern Society: A Study in Social Theory*. Chicago: University of Chicago Press. [Introduction]
- \*O'Malley, P. 1999. "Volatile and Contradictory Punishment." *Theoretical Criminology* 3(2):175-196.
- \*Shearing, C. D. and Stenning, P. C. 1984. "From the Panopticon to Disney World: The Development of Discipline." In Doob, A. N. and Greenspan, E. L. (eds.), *Perspectives in Criminal Law: Essays in Honour of John LL.J. Edwards*. Canada Law Book Inc.

## **March 7: The New Penology & Actuarial Risk**

Beginning in the late 1980s and 1990s, sociologists and criminologists have described a new epoch in crime control. They variously described this new epoch as "the risk society" (Beck), "the culture of control" (Garland), "actuarial justice" (Feeley & Simon), and "advanced neo-liberalism" (Rose). These readings analyze and explain the shift in penal politics associated with the rise of neoliberalism and actuarial risk management. They explore the new modes of governing through crime control.

\*Feeley, M. M. and Simon, J. 1992. "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications." *Criminology* 30(4):449–474.

\*Garland, D. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press. [pp. 1-192]

#### Additional Related Readings:

- \*Cheliotis, L. K. 2006. "How Iron Is the Iron Cage of New Penology? The Role of Human Agency in the Implementation of Criminal Justice Policy." *Punishment & Society* 8(3):313-340.
- \*Goodman, P., Page, J., and Phelps, M. 2015. "The Long Struggle: An Agonistic Perspective on Penal Development." *Theoretical Criminology* 19(3):315–335.

### **March 14: Technologies of Punishment and Risk Management**

New terms such as the "new penology" and "actuarial justice" have been used to describe the rise of risk management as a key organizing principle of correction management. The articles examine how risk assessments have emerged as a tool of penal control that reproduce histories of oppression and discriminatory outcomes.

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

Angwin, J., J. Larson, S. Mattu, and L. Kirchner. 2016. "Machine Bias: There's software used across the country to predict future criminals. And it's biased against blacks," *ProPublica*. Available online: <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>.

#### Additional Related Readings:

- Hannah-Moffat, K. 2018. "Algorithmic Risk Governance: Big data analytics, race and information activism in criminal justice debates," *Theoretical Criminology* 23(4): 453-470.
- Hannah-Moffat, K. and P. Maurutto. 2010. "Restructuring Pre-sentence Reports: Race, Risk and the PSR," *Punishment and Society*, 12(3):262-286.
- Christin, A., A. Rosenblat, and D. Boyd. 2015. *Courts and Predictive Algorithms*. Working paper. Available online: [https://www.law.nyu.edu/sites/default/files/upload\\_documents/Angele%20Christin.pdf](https://www.law.nyu.edu/sites/default/files/upload_documents/Angele%20Christin.pdf)
- Rosenfeld, R. 2011. "From Mass Incarceration to Targeted Policing: Introduction to the Special Issue," *Criminology and Public Policy* 10(1): 3-54.
- Àvila, F., Hannah-Moffat, K. and Maurutto, P. 2021. "The seductiveness of fairness: Is machine learning the answer? – Algorithmic fairness in criminal justice systems," in M. Schuilenburg & R. Peeters (eds). *The Algorithmic Society: Technology, Power and Knowledge*. London: Routledge.
- Andrews, D. A. and Craig Dowden. 2007. "The Risk-Need-Responsivity Model of Assessment and Human Service in Prevention and Corrections," *Canadian Journal of Criminology*.

### **March 21: Critical Race Theory and Algorithms of Oppression**

Big data and new algorithms are revolutionizing law enforcement and criminal justice practices. These articles examine how data-driven surveillance reinforces and further obscures inequalities and discriminatory practices.

Eubanks, V. 2018. "Introduction: Red Flags," *Automating Inequality: How High-tech Tools Profile, Police and Punish the Poor*. New York: St. Martin's Press.

Noble, S. U. 2018. "Introduction," *Algorithms of Oppression: How search engines reinforce racism*. New York: NYU Press.

Benjamin, R. 2019. "Introduction," *Race after Technology: Abolitionist tools for a New Jim Code*. New York: Polity Press.

#### *Additional Related Readings:*

- Andrejevic, M. and K. Gates. 2014. "Editorial. Big Data Surveillance: Introduction," *Surveillance & Society* 12(2): 185-196.
- Andrejevic, M. 2019. "Automating Surveillance," *Surveillance and Society* 17(1/2): 7-13.
- Cheney-Lippold, J. 2017. "Categorization: Making Data Useful," *We Are Data. Algorithms and the Making of Our Digital Selves*. New York: NYU Press.

### **March 28: Banishment and Containment: Pandemic Surveillance and Spatial regulation.**

The articles raise questions about how administrative and state regulations are extending the reach and control of the state.

Hermer, J., B. O'Grady, M. Sylvestre and S. Bouclin. 2020. "Ontario's Safe Streets Act will cost lives amid the coronavirus pandemic," *The Conversation* <https://theconversation.com/ontarios-safe-streets-act-will-cost-lives-amid-the-coronavirus-pandemic-135665>

Foucault, M., Agamben, G. and Benvenuto, S. 2020. "Coronavirus and Philosophers." <https://www.journal-psychoanalysis.eu/articles/coronavirus-and-philosophers/>

\*Beckett, K. and Herbert, S. 2010. "Penal Boundaries: Banishment and the Expansion of Punishment." *Law & Social Inquiry* 35(1):1-38.

#### *Additional Related Readings:*

- Lyon, D. 2022. *Pandemic Surveillance*. Polity Press.
- Mbembe, A. and D. Bercito. 2020. "The Pandemic Democratizes the Power to Kill: an Interview with Achille Mbembe," <https://www.journal-psychoanalysis.eu/articles/covids-metamorphoses-the-derangement-of-the-atmospheric-unconscious-2-2-2/>
- \*Zedner, L. 2016. "Penal Subversions: When Is a Punishment not Punishment, Who Decides and on What Grounds?" *Theoretical Criminology* 20(1):3-20.

#### April 4: Policing and Surveillance

The era of big data has given rise to smart policing, preventative security measures, and data driven solutions which are producing new knowledge about risk. The articles explore how big data is shifting institutional risk practices within law and criminal justice systems.

\*Brayne, S. 2017. "Big Data Surveillance: The Case of Policing," *American Sociological Review* 82(5):977–1008.

Ferguson, A. G. 2017. "Chapter 8: Blue Data: Policing Data," *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement*. New York: New York University Press.

#### *Additional Related Readings:*

- Metcalfe, P. and L. Dencik. 2019. "The Politics of Big Borders: Data (in)justice and the governance of refugees," *First Monday* 24(1): 1-14.
- Ridgeway, G. 2018. "Policing in the Era of Big Data," *Annual Review of Criminology*. 1: 401-419.

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#### Late Policy

Since there are multiple weeks students can choose from, late reading responses are not accepted, except when there are legitimate reasons beyond a student's control. For the term paper, the late penalty is 5% per day, which is waived in the case of legitimate reasons beyond the student's control.

#### Academic Integrity Clause

Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean's office for adjudication. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties. Students are expected to cite sources in all written work and presentations. See this link for tips for how to use sources well:

(<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>).

According to Section B.I.1.(e) of the Code of Behaviour on Academic Matters it is an offence "to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere."

By enrolling in this course, you agree to abide by the university's rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the *Code of Behaviour on Academic Matters* (<https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-matters-july-1-2019>) and *Code of Student Conduct*

(<http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/codeofstudentconduct.htm>) which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

Normally, students will be required to submit their course essays to [www.ouriginal.com](http://www.ouriginal.com) for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the [www.ouriginal.com](http://www.ouriginal.com) reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to



the University's use of the [www.ouriginal.com](http://www.ouriginal.com) service are described on the [www.ouriginal.com](http://www.ouriginal.com) web site.

### Accessibility Services

It is the University of Toronto's goal to create a community that is inclusive of all persons and treats all members of the community in an equitable manner. In creating such a community, the University aims to foster a climate of understanding and mutual respect for the dignity and worth of all persons. Please see the University of Toronto Governing Council "Statement of Commitment Regarding Persons with Disabilities" at

<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppnov012004.pdf>.

In working toward this goal, the University will strive to provide support for, and facilitate the accommodation of individuals with disabilities so that all may share the same level of access to opportunities, participate in the full range of activities that the University offers, and achieve their full potential as members of the University community. We take seriously our obligation to make this course as welcoming and accessible as feasible for students with diverse needs. We also understand that disabilities can change over time and will do our best to accommodate you. Students seeking support must have an intake interview with a disability advisor to discuss their individual needs. In many instances it is easier to arrange certain accommodations with more advance notice, so we strongly encourage you to act as quickly as possible. To schedule a registration appointment with a disability advisor, please visit Accessibility Services at <http://www.studentlife.utoronto.ca/as>, call at 416-978-8060, or email at: [accessibility.services@utoronto.ca](mailto:accessibility.services@utoronto.ca). The office is located at 455 Spadina Avenue, 4<sup>th</sup> Floor, Suite 400.

Additional student resources for distressed or emergency situations can be located at [distressedstudent.utoronto.ca](http://distressedstudent.utoronto.ca); Health & Wellness Centre, 416-978-8030, <http://www.studentlife.utoronto.ca/hwc>, or Student Crisis Response, 416-946-7111.

### Equity and Diversity Statement

#### **Equity and Diversity**

The University of Toronto is committed to equity and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect. As a course instructor, I will neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual in this course and wish to be alerted to any attempt to create an intimidating or hostile environment. It is our collective responsibility to create a space that is inclusive and welcomes discussion. Discrimination, harassment and hate speech will not be tolerated.

Additional information and reports on Equity and Diversity at the University of Toronto is available at <http://equity.hrandequity.utoronto.ca>.

### Course Schedule and Class Lecture Details

Course materials prepared by the instructor are considered by the University to be an instructor's intellectual property covered by the *Copyright Act*, RSC 1985, c C-42. These materials are made available to you for your own study purposes, and cannot be shared outside of the class or "published" in any way. Lectures, whether in person or online, cannot be recorded without the

instructor's permission. Posting course materials or any recordings you may make to other websites without the express permission of the instructor will constitute copyright infringement.

#### Use of Generative AI in Assignments

In this class, students may not use artificial intelligence tools to automatically generate essay assignments, discussion posts, or answers. Students may use AI tools for conducting background research, asking questions about course themes, assimilating information for general understanding, refining language or grammar (i.e., ESL purposes), identifying secondary literature, or generating computer code that aids in data or thematic analysis.

I will leave this to your discretion, but I discourage you from relying on an AI system to automatically generate essay outlines. If you have any questions about the use of AI applications for course work, please bring it up with me I will be happy to discuss it.