

Comparative Crime and Punishment  
Criminal Justice 496/PoliSci 404  
Mon and Thurs, 10:55-12:15pm, RAB 104

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Office hours: 1-3pm M/Th  
<http://sakai.rutgers.edu>

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

This is certainly not the way we think of ourselves as a nation. In this class, we will explore the US case in a comparative context, seeking to understand how different democratic political systems confront problems of crime and the degree to which they use imprisonment as a primary response. In order to do this, we will seek to understand what factors contribute to imprisonment, how and with what consequences crime becomes a politically salient issue and what extremely high rates of violence and incarceration can tell us about politics and inequality more generally in the United States, compared to other democratic countries.

In the first section of the class, we will examine the realities of incarceration and violence in the US and explore some of the explanations that scholars have offered for these outcomes. We will compare the US to other countries broadly but focus the first half of the class on understanding the US case. In the second half of the course, we will look more closely at rates of crime and punishment in other democratic countries, which are generally much lower than in the US, and try to understand what explains these differences. We will use crime and punishment issues to think more broadly about comparative democratic systems, inequality and race.

The course has four main requirements: class participation, midterm, book review and a final paper.

### **Academic Integrity**

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

I expect that all of the work you hand in to me is work that you have produced on your own and that any information you obtain from other sources is properly cited. While I encourage students to study together, when you submit work for this class, it must be wholly your own. If you have any questions or concerns about plagiarism, please see the university policy on academic integrity at the URL above or see me. Plagiarizing someone else’s work (including cheating on exams) will result in a failing grade and suspected violations of academic integrity will be referred to the appropriate

Dean for investigation. If you have any questions or concerns about my expectations, please do not hesitate to ask me.

You should also be familiar with the following websites:

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

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

### **Disability Accommodation**

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

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

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

### **Reading and assignments**

#### Required readings

There are no textbooks for this class. All readings are in article form and are listed alphabetically on the sakai site for the class under Resources. You are responsible for reading the material prior to class. In general, two to four readings will be listed for each week and we will discuss the first half of the readings on Monday and the second half on Thursday, but the weeks are organized by theme so you should be familiar with the full list of reading topics for the week on Monday.

In addition to readings, I will occasionally post a video, image, or short article to the sakai site that will help frame our discussion or illuminate the readings for a given day. You should either check the sakai site daily or be sure you are being notified when new material is posted.

#### Assignments

*Participation (15%):* Class participation is required and only quality contributions will count for participation credit. If you have not done the readings, please do not be an aggressive participant as your remarks will not be as helpful for our discussion as those of your peers who are prepared for class.

*Midterm (30%):* This is an in-class exam that will take place on **March 12<sup>th</sup>**. The exam will involve several short answer questions addressing facts about crime and imprisonment cross-nationally, as well as a longer essay question addressing some of the theories that explain these realities.

*Book review (25%):* Due **April 13<sup>th</sup>**. This assignment involves selecting a book from the suggested reading list (end of the syllabus) or a different book that is approved by me (you may not use a book you are reading for another class just because it has something to do with crime or criminal justice! It must relate to this class and I will make that determination). I will provide more information in class but there are two crucial elements of a book review. First, a clear and cogent summary of the book's main arguments and second, an incisive assessment of them. The second part is particularly

challenging. I have posted some book reviews on the sakai site as example and will discuss them more in class.

*Final paper (35%):* Due **May 11<sup>th</sup>**. This is a 12-15 page paper that addresses the primary class theme: what explains high rates of imprisonment in the US? The paper will draw primarily on class material, as well as the outside book you read, as well as presentation of data comparing the US on crime (violence) and imprisonment with two other countries. We will discuss details on the paper in class.

## Class schedule

### Part I: Understanding the U.S.

*Week one: Thursday Jan 22<sup>nd</sup>: Introduction to class themes*

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

*Week two: Monday Jan 26<sup>th</sup> and Thursday Jan 29<sup>th</sup>: Just how bad is it? Media and moral panic*

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

Mauer, "Comparative international rates of incarceration"

Jacobs, "What and how we punish"

Tonry, "Determinants of Penal Policy"

Glassner, "Why Americans are afraid of the wrong things"

*Week three: Mon Feb 2<sup>nd</sup> and Thurs Feb 5<sup>th</sup>: Race and minority threat*

Is racism against African-Americans a key part of the US obsession with incarceration, as Alexander argues? How does Forman complicate Alexander's claims? Do O'Hear and Loury support one of these positions, both, neither? What do you think is more or less persuasive about these arguments? What kind of evidence would support the racism/minority threat perspective?

Alexander, "Introduction" (to *The New Jim Crow*)

Forman, James, "Racial Critiques of New Jim Crow"

O'Hear, "The History of Criminal Justice as a Morality Play"

Loury, "Crime, inequality and social justice"

*Week four: Mon Feb 9<sup>th</sup> and Thurs Feb 12<sup>th</sup>: Lethal violence and punitive publics*

This week we take a close look at lethal violence in the US, compared to violence in other democratic countries. What are the most important differences between the US and other countries? Why is lethal violence the focus of analysis here? How might rates of violence be related to incarceration rates? What are some of the factors that Roth claims have an impact on rates of homicide in the US?

Zimring and Hawkins, ch 1

Zimring and Hawkins, ch 2

Kleiman, "Less crime, less punishment"

Cullen et al., "Public opinion about punishment and corrections"

*Week five: Mon Feb 16<sup>th</sup> and Thurs Feb 19<sup>th</sup>: Race, class, sectarianism and violence in U.S. history*

What do patterns of homicide look like across US history? Why are rates of homicide higher for African-Americans than for whites? What does this mean for American crime and punishment?

Zimring and Hawkins

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

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

Muhammed, Khalil, "Condemnation of Blackness" (excerpt)

*Week six: Mon Feb 23<sup>rd</sup> and Thurs 26<sup>th</sup>: American democratic exceptionalism?*

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

Lacey, "American imprisonment in comparative perspective"

Zimring, "Public Opinion and the governance of punishment"

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

Gottschalk, "Cell blocks and red ink"

*Week seven: Mon March 2<sup>nd</sup> and Thurs March 5<sup>th</sup>: Are crime and punishment related to inequality?*

Why do some countries have more expansive social welfare states than the U.S.? What does 'social welfare' refer to? How might social welfare and imprisonment be linked?

Western and Pettit, "Mass incarceration and social inequality"

Downes and Hansen, "Punishment and Welfare"

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

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

Lijphart, "Constitutional Choices"

*Week eight: Mon March 9<sup>th</sup>: True American exceptionalism: The death penalty*

The United States is an outlier in the democratic world in that it retains the use of the death penalty. What can this tell us about US punitive culture and politics?

Garland, "Capital punishment and American culture"

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

**Thurs March 12<sup>th</sup>: IN-CLASS MIDTERM**

**March 16<sup>th</sup>: SPRING BREAK**

**Part II: The US in comparative democratic context**

*Week nine: Mon March 24<sup>th</sup> and Thurs March 27<sup>th</sup>: Comparing violent crime, imprisonment and social safety nets in the US, UK, Netherlands, Germany and Scandinavia*

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

<http://news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/nn2page1.stm>

<http://www.guardian.co.uk/news/datablog/2009/oct/13/homicide-rates-country-murder-data>

Global Study on homicide, 2011 (skim)

Lijphart, "Constitutional choices" (review)

"America's misguided approach to social welfare"

*Week ten: Mon March 30<sup>th</sup> and Thurs April 2<sup>nd</sup>: Britain*

How do Britain's two major political party talk about crime problems?

Labour Party manifesto, 2001 (Part II), Sect. 4, "Strong and Safe Communities" pgs 31-35.

Conservative Party manifesto, 2001, "Living safely," pgs. 11-12

Scottish National Party manifesto, 2011, "Justice," pgs. 18-19

Newburn, "Tough on crime"

*Week eleven: Mon April 6<sup>th</sup> and Thurs April 9<sup>th</sup>: Britain, France*

Gottschalk, "Comparative crime victims"

Ticktin, "Sexual violence as border control"

*Week twelve: Mon April 13<sup>th</sup> and Thurs April 16<sup>th</sup>: Germany and the Netherlands*

Downes, "Road to Dystopia"

Vera Institute, "Sentencing in Germany and the Netherlands"

### **BOOK REVIEW DUE MONDAY, April 13<sup>th</sup>**

*Week thirteen: Monday April 20<sup>th</sup> and Thurs April 23<sup>th</sup>: Scandanavia*

Green, "Comparing Penal Cultures: Child on child homicide in Britain and Norway"

Lappi-Seppala, "Penal Policy in Scandanavia"

Denmark: <http://www.kriminalforsorgen.dk/English-29.aspx>

*Week fourteen: Monday April 27<sup>th</sup> and Thurs April 30<sup>th</sup>: Making sense of democracy, crime and punishment*

Steinmo, "The democratic dilemma"

Additional readings TBA

*Week fifteen: Monday May 4<sup>th</sup>: Conclusions*

Readings TBA

**Final papers due Monday, May 11<sup>th</sup>**

### **Suggested readings for book review**

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

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

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

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