SYLLABUS: THE POLITICS OF CRIME AND PUNISHMENT

A. Introduction

This course examines topics in the theory and practice of crime and punishment in contemporary America from the perspective of politics and political theory. The aim of the course is to explore the difficulties and complexities of the ideas of crime and punishment as they operate on a practical level. Special attention is given to the unusual ideological coalitions that form in the debate over the criminal justice system.

The course is divided into 4 sections spread over 13 weeks: (I) Moral foundations of the criminal law, (II) Politics of the criminal law, (III) Politics of the criminal process, and (IV) Edges of the criminal law. Readings are drawn from literature, philosophy, history, economics, political science, and case law. The course will provide an interdisciplinary perspective on the foundation and operation of the criminal justice system. Students will learn the information and skills necessary to criticize elements of the criminal law and criminal procedure and evaluate the merits of various competing theories about the regulation of crime in our society.

B. Student Responsibilities and Grades

Active participation in discussion section (10%)
6-8 page midterm paper (40%)
8-10 page final paper (50%)

C. Weekly Schedule

I. The Moral Foundations of the Criminal Law

1. Philosophical foundations
   John Stuart Mill, On Liberty. Chapters 1, 4, and 5

2. Case Studies: Abortion and Drunk Driving
   Shapiro, ed. 2001. Abortion: The Supreme Court Decisions. Indianapolis, IN: Hackett Publishing. Introduction and the following cases:
   Roe v. Wade (1973)
   Webster v. Reproductive Health (1990)
   Planned Parenthood v. Casey (1992)
   Gonzales v. Carhart (2007)
3. Perspectives from Law and History


II. The Politics of the Criminal Law

4. The Politicization of Crime and Punishment


5. The War on Drugs


6. Punishment Alternatives


Burke, Kelly. No Date “Drug Forfeiture Laws Work for You!”


III. The Politics of the Criminal Process

7. The Defendant’s Standpoint I


8. The Defendant’s Standpoint II
   - *Argersinger v. Hamlin* (1972)
   - *Scott v. Illinois* (1979)

9. The Defendant’s Standpoint III

10. The Politics of Criminal Jurisprudence and Selective Enforcement

IV. The Edges of the Criminal Law

11. Insanity

12. Educational Justice
    - Additional reading for section: The disciplinary codes of this university.

13. Juvenile Justice
*In Re Gault* (1967)