I. Introduction

This course deals with topics in the theory and practice of crime and punishment in contemporary America from the standpoint of politics and political theory. The course does not offer a comprehensive overview of the American criminal justice system, or even of the topics covered. Rather, its aim is to promote disciplined reflection about the difficulties and complexities of the ideas of crime and punishment as we operate with them in everyday life.

The course is divided into 4 sections: 1) Moral foundations of the criminal law, 2) Politics of the criminal law, 3) Politics of the criminal process, and 4) Edges of the criminal law. Readings are drawn from literature, philosophy, history, economics, political science, and case law, among others. Students will obtain an interdisciplinary perspective on the foundation and operation of the criminal justice system. Our goal is to provide you with the skills and information necessary for disciplined and informed criticism, building your ability to challenge common preconceptions and assumptions about the nature of the criminal system.

II. Times and Places

1. Class Meetings: Monday & Wednesday, 10:30-11:20, TBA

2. Sections: TBA

3. Office Hours:

   Shapiro
   Wed 2-4 101 Brewster
   101 Brewster Hall.
   ian.shapiro@yale.edu
   432-9368

   Huber
   Monday, 3:00-4:00pm*
   ISPS, 87 Trumbull Street, #24
   gregory.huber@yale.edu
   432-5731

*Except September 6. That week I will instead hold office hours on Wednesday from 3:00-4:00pm.

4. Teaching Assistants (office hours to be announced)

   Sonu Bedi
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III. Student Responsibilities and Assignment of Grades

Regular Students
- Participation in section (10%)
- Choice of one of the following:
  - Midterm (35%) and final exam (55%)
    (The midterm will be given in class on Wednesday, October 13.)
  - Two 6-8 page papers (total 55%) and final exam worth 35%
    (The first paper is due Monday, October 11 and the second paper is due Wednesday, December 1.)

Writing Intensive Students:
- Participation in section (10%)
- Three 6-8 page papers. Each paper is worth 30% of your final grade
  You must rewrite each paper after receiving comments and return it for a second grade.
  Rewritten papers are due 10 days after they are returned to you.
  - The first draft of the first paper is due no later than Monday, September 27.
  - The first draft of the second paper is due no later than Monday, October 25.
  - The first draft of the third paper is due no later than Monday, November 29.

IV. Reading Materials

These books are available for purchase at the Yale University Bookstore.


The remaining materials are contained in one of the two course readers, available for purchase at Tyco, 262 Elm Street, 562-9723. One reader (Packet 2) is also available on the classes.yale.edu server, as a single file or to download week by week.

V. Weekly Schedule

1. September 1: Course Introduction and Administration

   I. The Moral Foundations of the Criminal Law

2. September 6: Philosophical foundations I

3. September 8: Philosophical foundations II
   John Stuart Mill, *On Liberty*. Chapters 1, 4, and 5
4. September 13: Case Studies: Abortion and Drunk Driving

5. September 15: The Jurisprudence of Abortion Rights
   Introduction and the following cases:
   - *Roe v. Wade* (1973) [25 pages]
   - *Webster v. Reproductive Health* (1990) [17 pages]
   - *Planned Parenthood v. Casey* (1992) [52 pages]


6. September 20: Perspectives from Law and History

   **II. The Politics of the Criminal Law**

7. September 22: The Politicization of Crime

8. September 27: The Politicization of Punishment

9. September 29: The War on Drugs
10. October 4: Privatizing Punishment
   Alliance
   Prison Project. Read pages 1-25
   A1
   A1

11. October 6: Beyond Imprisonment
   Burke, Kelly. No Date “Drug Forfeiture Laws Work for You!”
   65:35-114

III. The Politics of the Criminal Process

12. October 11: The Defendant’s Standpoint I

13. October 13: Midterm Exam
14. October 18: The Defendant’s Standpoint II
15. October 21: The Defendant’s Standpoint III
   Douglas v. California (1963)
   Argersinger v. Hamlin (1972)
   Scott v. Illinois (1979)

16. October 25 The Defendant’s Standpoint IV
   Change.” Law and Society Review.
   Review. 1: 15-39

17. October 27: The Limits of Defendants’ Rights
   Ake v. Oklahoma (1985)
18. November 1: Politics of Criminal Jurisprudence
   Bordenkircher v. Hayes (1978)

19. November 3: Selective Enforcement
   Journal of Political Economy. You can skip pages 207-214

   IV. The Edges of the Criminal Law

    “The Case of Francis Pollard.” In Criminal Law: Cases and Materials. Peter Low, John Jeffries,
    Regina v. Stephenson (1979)
    U.S. v. Bright (1975)
    York Times, Page F5

   Chapters 12 and 14
   Higher Education. Page A33
   Dispatch
   Breunig, Emily. 2002. “Silent Treatment: Can Yale’s sexual harassment policy avert disaster?”
   34: 5

   For section: The University of Connecticut and Yale’s disciplinary codes
22. November 15: Juvenile Justice I

*In Re Gault* (1967)

23. November 17: Juvenile Justice II

In Class Film: *What Can We Do About Violence?* (Bill Moyers, 1995)


No Class, Fall Break: November 22 and 24


25. December 1: Conclusion

Final Exam: Friday, December 17, 2PM