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Office Hours: Wednesday, 1:15 pm-3:15 pm. Appointments through this link

<http://www.supersaas.com/schedule/WJ-OFFICEHOUR/LEA524>

POLI522 The Police, Punishment, and Justice in Comparative Perspectives

8:30-11:30am Fall 2024

Wednesdays: August 28-November 27, 2024

The police officially represent law and order. It enforces law, it punishes criminals, and it upholds justice. However, none of the assigned or perceived duties of the police come without controversy. To begin with, what are crimes and who decide them? What are the purpose and justification of punishment? Why are the police the sole institutional agent for a legitimate use of violence? Historically, criminological knowledge has often been used to support colonial and authoritarian rule. Culturally and ideologically, there is variation in perceptions of justice and purpose of punishment. Ultimately, the function of the police is inherently related to how we understand “the state” and governance.

Through a focus of the police and policing, this course brings together traditional and critical studies of criminalization and punishment within the context of “modern state,” and builds on insights from scholarship across disciplines, including political science, sociology, anthropology, history, public administration, and legal studies. The content is divided into two parts. Part I examines theories and practices of criminalization and punishment across diverse empirical cases across countries. It asks: how are crimes defined as such? What are some collateral consequences of criminalization of certain behavior, people, and space? When do legislative changes happen to criminalize? What justification does criminalization and punishment rely on? Who benefits from intensive punishment and mass incarceration? How does the criminalization and policing facilitate the discipline of the body and mind?

The police are not only an institution of the criminal justice system. Part II historicizes the police as a distinct state institution and reviews its implications for governance and legitimacy. This section looks at the economic, ideological, and political roots of building a police force in a variety of modern states; the exercise of violence by this state apparatus and its implications for citizenship; the conditions under which its competitors of protection and investigation develop; and the embeddedness of this bureaucracy within broader legal and judicial institutions and the implications of such positionality.

Content Warning: Given the topic of our course that touches on violence and punishment, some readings may contain materials that could trigger emotional distress or discomfort for some readers. I ask all students to help to create an atmosphere of mutual respect and sensitivity. Students are encouraged to familiarize themselves with the topics outlined in the syllabus by the end of add/drop to make an informed decision on whether they want to remain in the course.

Course Obligations

This course emphasizes serious reflections on the social, economic, and political considerations of criminalization and punishment, and the operation of the police as a distinct state institution. The course obligations reflect this goal.

This is a reading and writing intensive seminar. Your grade is based on active seminar participation (10%), one case study (30%), one comparative study (teamwork) (45%), and a presentation of team work (15%).

Attendance Policy

One unexcused absence is allowed during the semester without penalties. For additional absences, you would need provide official proof and medical notes. Otherwise, one point is deducted from your final course grade for each additional unexcused absence.

Active Seminar Participation (10%)

You should participate actively and regularly in class discussions. Part of this participation will be up to you (offering informed comments and questions during our discussions), and part will be determined by the luck of the draw. When we begin to discuss each reading, one student will be chosen at random to start the discussion by giving a short (about one minute) summary of the specific work in question. You should be able to remind the class of the author(s) main argument and methodology (i.e., how do they support the work's claims?), and provide a few initial comments.

Writing Assignments (Case Study 30% + Comparative Study 45%)

You will write one short case study paper and one long comparative study (team) paper this term. Many of you have not been trained to write long essays or research papers, so we will go through stages to prepare you for the final version. **Please make appointments with the Writing Center early on to help you with academic writing.**

Case Study Paper: For this assignment, you will conduct independent research on (1) how a behavior or activity is selected to be legally coded as crime, by whom, and for whose benefit, and (2) how the law is enforced in practice. The crime as your subject of inquiry needs to be outside the following: murder, manslaughter, rape, robbery, arson, assault, kidnapping, burglary, larceny, and auto theft.

Double spaced, 12-point font, 10-15 pages/2,500-3,000 words, excluding bibliography.

Comparative Study Paper: This is a comparative study of law enforcement/police operation. More detailed instructions below.

Double spaced, 12-point font, 20-25 double-spaced pages/5,000 words, excluding bibliography.

Submit all segments of your assignments by **Sunday midnight** of the week that's due *via MyCourses*. Late papers are penalized by one letter-grade step per day (e.g., an A paper submitted one day late becomes an A- paper, etc.).

Grading:

- (1) **Structure:** Make sure that your final paper has a minimum of summary, and does not wander from one unrelated point to the next. Most importantly, let me know in the introductory paragraph what your chosen focus is, how you are going to analyze it, and what your main argument will be.
- (2) **Style:** Spelling, grammar, and style count. Use the author-date in-text reference system and include a complete bibliography (be consistent with the reference style of your choice).
- (3) **Content:** clarity of research questions, clarity and meaningful discussions and engagement with referred papers; reasonable conclusions.

Deadlines	
wk3	Choose a crime listed in criminal law in a country and explain your choice. (5%. Not Graded)
wk4	(1)Review the process about how it was codified. Different scholars may have different explanations. Try to find at least two different accounts. (2) Propose a complementary or alternative explanation. Make use of course readings from week 2 “the construction of crime in criminal law” as inspiration. (5%, not graded. I will provide comments)
wk5	Collateral consequences of criminalization: Have there been unexpected or unspoken consequences of criminalization of this behaviour? Rely on (1) existing studies of your particular case and (2) readings from week 3. (5%, Not graded. I will provide comments)
wk6	Law enforcement: Has there been variation in the intensity, time, and space of law enforcement? Bring in your takeaway from readings from wk4, “Timing and Targets of Criminalization and Policing.”(5%, Not graded. I will provide comments)
wk7	Draft your first paper. 1)Think about how readings from weeks 5-7 might improve your analysis of previous sections. 2) regroup the different sections to have a coherent essay with policy suggestions .
wk8	(1) Submit the final case study paper (15%. graded) (2)Form teams for a comparative study: Building on the case study that you have just completed, find classmate who works on a “comparable” case (e.g. Criminalization of similar behaviour in a different country; criminalization of different behaviour targeting the same population; similar styles of law enforcement in different countries). Explain why your cases are comparable. Submit it to MyCourses (5%, Not graded)
wk9	Review the different/similar history about how the police force were built, for what purposes. Rely on both existing scholarship of your specific cases and inspiration from course readings from week 8. (10%. Not graded, I will provide comments)
wk10	Review the structural and relational aspect of police operation, e.g, centralized versus decentralized police operation; the relationship among the police, the courts, the prosecutor’s office; and/or the relationship between the police and other government bureaucracies or social forces that affect its operation. Rely on the existing scholarship of your specific cases and inspiration from course readings from week 9 and week 10. (10%. Not graded. I will provide comments)
wk11	Draft the final paper based on the information you have collected. It can be a research paper with a puzzle, literature review, and proposed alternative or complementary explanations. If you do not have a puzzle, it can be in the form of a longer policy report with policy suggestions. (Talk to McGill Writing Center about how to write an academic paper)
wk12	Presentation, Q&A. &Revise the comparative paper
wk13	Presentation, Q&A. & Revise the comparative paper
Wk14	Revise your paper and submit the final team paper to MyCourses (20%, graded)

Team Presentation (15%)

Ideally, two students form a team. Talk to me if you would like to have more than two students in the same team. Each team will choose a time slot of 40 mins for week 12 and week 13 to present their comparative project (20 mins) and answer questions from the audience (20mins).

Grading: (1) clear, well-structured and timed presentation. (2) Assume your audience knows nothing about your project. What are the most important takeaway you hope to deliver? (3) provide informative answers to questions from the audience. If needed, remember to use the course readings to help you formulate and provide a more nuanced response.

Important Notes

McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other academic offences under the Code of Student Conduct and Disciplinary Procedures (see www.mcgill.ca/integrity for more information).

In accord with McGill University's Charter of Students' Rights, students in this course have the right to submit in English or in French any written work that is to be graded.

In the event of extraordinary circumstances beyond the University's control, the content and/or evaluation scheme in this course is subject to change.

McGill University is on land that has long served as a site of meeting and exchange amongst Indigenous peoples, including the Haudenosaunee and Anishinabeg nations. We acknowledge and thank the diverse Indigenous people whose footsteps have marked this territory on which peoples of the world now gather.

Week 1/August 28: Introduction of the Course: The Police, Punishment, and Justice

- Explain the content and structure of the course
- Explain the assignments and expectations

Background Reading Suggestions: To be familiar with categories of criminal law, check out [The Encyclopedia of Criminology and Criminal Justice](#) (Wiley).

Recommended readings: "[Theories of Criminal Law](#)" and "[Legal Punishment](#)," in *Stanford Encyclopedia of Philosophy*

PART ONE: Crime, Punishment, and Justice

Week 2/Sept 4: The Construction of Crime in Criminal Law

John Hagan, 1980. "[The Legislation of Crime and Delinquency: A Review of Theory, Method, and Research](#)." *Law & Society Review* 14 (3): 603-628.

Jane Schneider and Peter Schneider 2008. "[The Anthropology of Crime and Criminalization](#)," *Annual Review of Anthropology*. 37:351-373.

LaPierre, Brian. 2006. "Private Matters or Public Crimes: The Emergence of Domestic Hooliganism in the Soviet Union," in Lewis Siegelbaum ed, *Borders of Socialism* ([e-book](#)), Springer, pp. 191-207.

Enze Han & Joseph O'Mahoney, 2014. "[British Colonialism and the Criminalization of Homosexuality](#)," *Cambridge Review of International Affairs*, 27(2): 268-288.

Sept 10: ADD/DROP deadline

Week 3/Sept 11: Collateral Consequences of Criminalization and Policing

Forrest Stuart, Ava Benezra, 2018. "[Criminalized Masculinities: How Policing Shapes the Construction of Gender and Sexuality in Poor Black Communities.](#)" *Social Problems* 65 (2): 174-190.

Kermet Reiter and Susan Bibler Coutin, 2017. "[Crossing Borders and Criminalizing Identity: The Disintegrated Subjects of Administrative Sanctions.](#)" *Law & Society Review* 51 (3): 567-601.

Patrick Lopez-Aguado, 2016. "[The Collateral Consequences of Prisonization: Racial Sorting, Carceral Identity, and Community Criminalization.](#)" *Social Compass* 10(1): 12-23.

Tammy Rinehart Kochel, "[Protest Policing by Black Police Officers: Double Marginality and Collateral Consequences.](#)" *Policing: An International Journal* 43(4): 659-673.

*Recommend: William J. Stuntz, 2001. "[The Pathological Politics of Criminal Law.](#)" *Michigan Law Review*, 100 (3): 505-600.

Week 4/Sept 18: The Timing and Targets of Criminalization and Policing

Michael Dutton and Lee Tianfu, 1993. "[Missing the Target? Policing Strategies in the Period of Economic Reform.](#)" *Crime & Delinquency* 39(3): 316-336.

Michael C. Campbell and Heather Schoenfeld, 2013. "[The Transformation of America's Penal Order: A Historical Political Sociology of Punishment.](#)" *American Journal of Sociology*, 118(5): 1161-1474.

Giuseppe Campesi, 2019. "[Immigration Detention as Social Defence: Policing 'Dangerous Mobility' in Italy.](#)" *Theoretical Criminology* 24(1): 50-70.

Anne Alvesalo & Steve Tombs, 2001. "[The Emergence of a 'War' on Economic Crime: The Case of Finland.](#)" *Business and Politics* 3(3): 239-267.

Week 5/Sept 25: The Political Economy of Criminal Justice and Police Operation

Eric Schlosser, "The Prison-Industrial Complex," *The Atlantic Monthly* 282 (December 1998), 51-78. [see MyCourses.]

Joshua Page & Joe Soss, "[The Predatory Dimensions of Criminal Justice.](#)" *Science* 374 (6565): 291-294.

Sian Mughan, Danyao Li 2020. "[When Law Enforcement Pays: Costs and Benefits for Elected Versus Appointed Administrators Engaged in Asset Forfeiture.](#)" *American Review of Public Administration* 50(3): 197-314.

Suzanne Scoggins, 2021. "[Rethinking Authoritarian Resilience and the Coercive Apparatus.](#)" *Comparative Politics* 53(2): 309-330.

Week 6/Oct 2: Punitive Justice

Diarmaid Harkin, 2014. "[The Police and Punishment: Understanding the Pains of Policing](#)," *Theoretical Criminology*, 19(1): 43-58.

Susan Trevaske, "[Severe and Swift Justice in China](#)," *The British Journal of Criminology*, 47(1):23-41.

Paul Hirschfield, 2010. "[Legitimizing police violence: Newspaper narratives of deadly force](#)," *Theoretical Criminology*, 14(2): 155-182.

Ben Bradford, Jenna Milani, and Jonathan Jackson, 2017. "[Identity, Legitimacy and 'Making Sense' of Police Use of Force](#)." 40(3):

Week 7/Oct 9: Policing and Control

Saeid Golkar, 2011. "[Politics of Piety: The Basij and Moral Control of Iranian Society](#)," *Journal of the Middle East and Africa*, 2: 207-219.

David Shearer, 2004. "[Elements Near and Alien: Passportization, Policing, and Identity in the Stalinist State, 1932-1952](#)" *The Journal of Modern History*. 76(4): 745-1028.

Satnam Choongh, 1998. "[Policing the Dross: A Social Disciplinary Mode of Policing](#)," *The British Journal of Criminology* 38(4): 623-634.

Mon/Oct 14: Thanksgiving Tue/Oct 15-Fri/Oct 18: Fall Break

PART TWO: The Police as Coercive State Apparatus and Bureaucracy of Public Service

Week 8/Oct 23: The Police in State Building

Roland Axtmann, 1992. "['Police' and the Formation of the Modern State. Legal and Ideological Assumptions on State Capacity in the Austrian Lands of the Habsburg Empire, 1500–1800](#)." *German History*, 10(1): 39–61,

Jeremy Kuzmarov, 2009. "[Modernizing Repression: Police Training, Political Violence, and Nation-Building in the 'American Century](#)," *Diplomatic History* 33 (2): 191-221.

Juan Wang, 2023. "[The Changing Role of the Police in the People's Republic of China: 1949-1966](#)." *China Law and Society Review*, 8: 1-24

Gilles Favarel-Garrigues: *Economic Crime in Transition* (selected chapter, uploaded to MyCourses)

Recommend: Dodsworth, F.M. 2008. "[The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c. 1780–1800](#)." *Journal of the History of Ideas*, 69(4): 583–605.

Week 9/Oct 30: The Embedded Police Institution

Paul Hathazy, 2013. "[Fighting for a Democratic Police: Politics, Experts and Bureaucrats in the Transformation of the Police in Post-Authoritarian Chile and Argentina](#)." *Comparative Sociology*. 12: 505-547.

Daniel Egiegba Agbibo, 2015. "[Protectors or Predators? The Embedded Problem of Police Corruption and Deviance in Nigeria](#)," *Administration & Society* 47(3): 219-337.

Diane E. Davis, 2018. "[Undermining the Rule of Law: Democratization and the Dark Side of Police Reform in Mexico](#)," *Latin American Politics and Society* 48(1): 55-86.

Juan Wang & Sida Liu. 2022. "[Institutional Proximity and Judicial Corruption: A Spatial Approach](#)" *Governance*, 35(2): 633-649.

Week 10/Nov 6: Competition in Protection and Investigation

Timothy Frye, 2002. "[Private Protection in Russia and Poland](#)," *American Journal of Political Science*. 46(3): 572-584.

Susan Trevaskes, 2007-08. "[The Private/Public Security Nexus in China](#)," *Social Justice* 34(3/4): 109-110.

James W. Williams, 2005. "[Reflections on the Private Versus Public Policing of Economic Crime](#)," *The British Journal of Criminology* 45 (3): 316-339.

Gail Super, 2017. "[What's in a name and why it matters: A historical analysis of the relationship between state authority, vigilantism and penal power in South Africa](#)," 21(4): 512-531.

Week 11/Nov 13: The Police, Governance, and Violence

Beatrice Jauregui, 2013. "[Dirty Anthropology: Epistemologies of Violence and Ethical Entanglements in Police Ethnography](#)." In William Garriott ed., *Policing and Contemporary Governance: The Anthropology of Police in Practice*. Springer.

Bo Yin & Yu Mou, 2023. "[Centralized Law Enforcement in Contemporary China: The Campaign to 'Sweep Away Black Societies and Eradicate Evil Forces'](#)," *The China Quarterly* 254: 366-380.

Joe Soss and Vesla Weaver, 2017. "[Police are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities](#)," *Annual Review of Political Science*, 20: 565-591.

Yanilda Maria Gonzalez, 2017. "[What citizens can see of the state": Police and the construction of democratic citizenship in Latin America](#)," *Theoretical Criminology*, 21(4):494-511.

*Recommend: Walter Benjamin. 1921. "The [Critique of Violence](#)." Read with Duncan Stuart, 2021. "[Walter Benjamin's Critique of Violence' is a Revolutionary Call to Arms](#)" August 19. *Jacobin*.

Week 12/Nov 20: Team Presentation

Week 13/Nov 27: Team Presentation