I. Course Description

Our understanding of what the role of the criminal justice system is and how (and whether it works) inherently depends upon our understanding of the role that law plays in society. And this question, in turn, raises broader questions about the nature of society, culture, economics, and politics. Accordingly, this class is intended to introduce you to a number of ways of understanding society in the Western tradition, and then exploring what these theories mean for the role of law and criminal justice.

Throughout the semester, we will explore the various roles that law and criminal justice play in society including as a mechanism for the enforcement of social hierarchies, such as race, class, and gender, and as a tool for the emancipation and empowerment of groups divided along these lines.

In this class, we’ll ask: To what extent does the former function of the law eclipse the latter? When does the law provide justice, and when are its promises effectively neutralized by power differences in society? Must the law be caught within both of these, often contradictory, but sometimes complementary, endeavors? Can law promise the possibilities we imagine for the world around us? To explore these questions, this course will be divided into three sections. During the first few weeks, we will address the historical foundations of law and legality in the Western tradition by reading scholars who muse on the roles of governance, society, and law. In the second section, we will apply these theoretical frameworks to the contemporary moment by exploring how the law has been used as both an agent of emancipation and as a tool of oppression in various contexts. Finally, we will interrogate the impact this has on the meaning and possibilities for justice. This final section will ask, is law inherently progressive or regressive? Does law have an inherent meaning? Can a criminal justice system effectively enact social justice? Does the law provide the best forum for escaping social injustice? To answer these questions, this course will be divided into the following themes:

1. Origins: This component of the course will explore the historical origins of criminal justice, liberal legalism, and punishment in a Western European and North American context. This section of the course will ask: What is the relationship between democratic modes of governance and punishment? How does the U.S. criminal justice system reflect
philosophical ideas about the role of the public, state, victims, and offenders in punishment? Are historical ideas about punishment and criminality relevant today?

2. **Legacies**: This component of the course will explore the legacy of philosophical supports for (and against) the legal system in contemporary issues. This section will ask: How has law been used as an agent of social change? Does using legality for social change always produce the intended goals? Does the turn towards legality and criminalization of certain offenses enhance or distract from the push for social equity? Can law act as an agent of social change?

3. **Futures**: In the final section of the course, we’ll evaluate the criminal justice system as it exists today. In this section, we’ll ask: What futures can we imagine for the criminal justice system? Is the system headed towards a dystopic or utopic future? What would it take to sustain or disrupt contemporary trends within the system? What can we learn about alternative futures by looking outside the U.S.?

**II. General learning objectives**

In terms of content, then, the goal of the course is to increase your understanding of the cultural, political, economic and social foundations of the law and to understand how contemporary issues are informed by these origins. More generally, the course will help you develop skills in critical reading, public argument, and analytic writing. The goal of the readings, class discussions, and class assignments is for you to hone your skills in each of these important areas.

**III. Course materials**

Readings are available through the course ilearn site—accessible through [http://ilearn.sfsu.edu](http://ilearn.sfsu.edu). Please note: Some of the readings are difficult, and you may not understand them perfectly on first read; this should not discourage you. The purpose of class is to work through those difficulties and help all of us come to a more complete understanding of the text. Therefore, you should come prepared with questions about parts you may not have fully understood as well as comments, challenges to the author’s argument, or arguments of your own. Also, you should bring the reading materials to class, because we will refer to them extensively in discussions.

**IV. Course assignments**

Students are expected to attend class every time we meet, and have the reading that is assigned for that day completed before coming to class. Students should also be prepared to participate in class discussion. Students will be evaluated as follows:

- **Participation and attendance 10%**
- **Weekly response papers 25%**
- **Essay Exam #1 20%**
- **Essay Exam #2 20%**
- **Group Presentation and Final paper 25%**

Emailed and late assignments are generally not accepted, barring exceptional circumstances. If you have an emergency that conflicts with an assignment, please contact me as soon as possible to make alternate arrangements.
**Participation and attendance:** Attendance to every class is required; students can miss one class without a negative impact on the overall grade. Students can earn points for participation by attending class having already completed the reading, participating during in-class discussion and completing in class assignments. Participation is also considered broadly—meeting with me during office hours, responding to the class list-serve, and participating during group work time are all ways to earn points.

**Weekly response papers and questions:** Every week you are responsible for turning in a 2 page response paper focused on the readings. Response papers should focus on the following questions:

1. What are the main **themes** of the readings?
2. What are some **points of connections** between the readings?
3. What is your **overall assessment** of the reading?

At the conclusion of your response, you should provide a list of any questions you have about and on the reading.

The purpose of this assignment is twofold. First, it is intended to help you engage with the readings in a meaningful manner in order to prepare you for in class discussions and exercises. Second, it is meant to help you develop the skills of critical textual analysis and terse written presentation of that analysis. Accordingly, you will be graded on the thoroughness of your critique and **NOT** on the position you adopt **NOR** on your emotional attachment to that position. In short, you will be evaluated on your ability to discern and assess an author’s argument, and make an argument of your own.

**All responses should be turned in on iLearn by the Tuesday before the class at noon.**

*Please note: One response will be dropped from your final grade (completing this additional response is the only form of extra credit allowed).*

**Important note on discussions**

Our collective task is to work together to understand the readings in the course and to connect them to dominant themes in the study of crime and justice. To that end, our effort will be advanced if students come to class prepared and observe common courtesies that promote civil discourse. Such discourse, however, will be impeded if students: arrive late; receive cell phone calls or texts; talk while others are talking; read newspapers; or engage in other disruptive activities. Please refrain from these.

**Essay Exams 1 and 2:** Two essay exams will be completed over the course of the class. Students will be asked to use course lectures, discussions, and readings to respond to construction of crime and justice. All exams are take-home and will be distributed one week prior to their due date.

**Group presentation and final paper:** Our course is concerned with the range of ways that constructions of crime and justice are shaped and shape social forces. To this end, students will participate in a group project throughout the course of the semester based on a topic of their choosing that examines how crime or a crime related issue is constructed, and offer an alternative construction based on course material. In addition to the group presentation, students are also required to turn in an individual final paper based on their group project. More information about this project will be forthcoming.
V. Course schedule (subject to change)

Section 1: Historical origins of crime and punishment

Week 1 (August 24): Introduction—On law, crime and justice

Week 2 (August 31): On liberalism, liberty, and punishment

*John Locke, Second Treatise of Government (1690), chs. 1-3, 8-9, 15
http://www.constitution.org/jl/2ndtreat.htm

+John Stuart Mill, On Liberty (1909), selection

Week 3 (September 7): Punishment and the enlightenment


Week 4 (September 14): Punishment and culture

+Nietzsche, Friedrich (1887). Selection from The Genealogy of Morals.

Week 5 (September 21): Punishment and modern society


Week 6 (September 28): The civility of punishment?

+ King, Cynthia A. (1999). Fighting the devil we don’t know: Kansas v. Hendricks, a case study exploring the civilization of criminal punishment and its ineffectiveness in preventing child sexual abuse. William and Maty Lair Retiem 40(4): 1427-
Week 7 (October 5): Evaluating the origins of crime and justice

Reading TBA

Week 8 (October 12): No class

Essay exam #1 due

Section 2: Legacies—crime, justice and identity

Week 8 (October 19): Critical Legal Studies


Week 9 (October 26): Feminist legal studies


Week 10 (November 2): Critical race theory, pt. 1


Week 11 (November 9): Critical race theory, pt. 2

Section 3: Crime and Justice Futures

Week 12 (November 16): The futures of criminal justice?

*Essay exam #2 due

Week 13 (November 23): No Class, Thanksgiving Break

Week 14 (November 30): Constructing crime and justice

Group presentations: What is crime? What is justice?

Week 15 (December 7): Constructing crime and justice

Group presentations: What is crime? What is justice?

Group presentation essay due December 7
College of Health & Social Sciences

Fall 2017

From: Dean Alvin Alvarez and Associate Dean John Elia

CHSS Policy
Syllabi are to incorporate the Academic Senate Policy regarding finals week, the deadlines or withdrawals, late adds, CR NC option and information related to course registration and Disability Programs and Resource Center. A sample listing of the required College policies are shown below:

Welcome to the College of Health & Social Sciences,

This section is to inform you of the College and University policies that may affect you. Knowledge of these deadlines (viewed at http://registrar.sfsu.edu/) and policies will help you to navigate the bureaucracy of the University while helping you succeed and graduate in a timely manner. Policies can be intimidating sometimes, but they ensure an equitable, consistent and reliable process for each student. Please review this information and refer to http://chss.sfsu.edu/content/petitions-information for more detail on these policies. Approval of a petition from the instructor and/or Department Chair does not constitute automatic approval from the Associate Dean so please continue attending class until a decision is made. If you have any questions about how these policies specifically apply to your situation, please contact the Associate Dean's Office at assocdean@sfsu.edu or in HSS 239.

When is the deadline to drop a class?

The last day to drop a class without a W grade is September 13, 2017 by 11:59 PM.

What if I wish to withdraw from a course after the drop deadline?

Withdrawal from a course is allowed from September 14, 2017 until November 17, 2017 only if you have serious and compelling reasons with current, relevant supporting documentation. The following are examples of non-serious and non-compelling reasons and would be denied:

- Changing major
- Poor academic performance in class
- Course no longer needed
- Missing pre-requisite(s)
- Instructor forgot to drop
- More time needed for other classes

Unexpected changes in work schedule or serious accident, protracted illness, or family emergencies may be considered serious and compelling if appropriate supporting documentation is attached. The petition must be submitted within a reasonable timeframe (e.g., within 2 weeks of an illness or change in work hours) and must include your unofficial transcripts. From November 18, 2017 until December 12, 2017, you may not withdraw from a class or the University, except only in the case of a documented serious illness or verified accident.

Withdrawals cannot be initiated electronically and must be submitted using a paper application. A maximum of 18 units can be withdrawn, and a course can only be repeated once with a failing grade.

How do I take a course for Credit or No Credit (CR/NC) Grade?
Please check the course description in the Bulletin to determine if the class can be taken CR/NC. If it is permitted, then you may change your grading option via your SF State Gateway until October 18, 2017 by 11:59 PM. The Associate Dean will not approve requests for changes if you miss this deadline.

**What if I want to add a class after registration closes?**

The period to add classes via permission numbers is August 23, 2017 through September 13, 2017 until 11:59 PM. It is your responsibility to obtain a late permission number from your instructor and add the class. Faculty cannot add you into a class. Starting September 14, 2017, a Waiver of College Regulations form must be submitted. This will only be approved if there was an administrative error.

**How do I know if any changes in my registration went through?**

Always check your registration on your SF State Gateway after making any changes and before deadlines to ensure you are registered properly for your classes. It is always your responsibility to ensure your schedule is correct, even if the instructor indicates they will drop you. All deadlines will be strictly adhered to by the instructor, the Department Chair, and the CHSS Associate Dean.

**When are finals?**

According to Academic Senate policy F76-12 a time period is set aside at the end of each semester for a formal examination period. All classes are expected to meet during the final examination period whether an examination is given or not. The final examination schedule is:

http://www.sfsu.edu/~acadres/final exams/finalf17.htm

**What resources are available to me on campus?**

**Disability Programs and Resource Center:** Students with disabilities who need reasonable accommodations are encouraged to contact the instructor. The Disability Programs and Resource Center (DPRC) is available to facilitate the reasonable accommodations process. The DPRC, located in SSB 110, can be reached by telephone at 415-338-2472 (voice/TTY) or by e-mail at dprc@sfsu.edu.

**Student Disclosures of Sexual Violence:** SF State fosters a campus free of sexual violence including sexual harassment, domestic violence, dating violence, stalking, and/or any form of sex or gender discrimination. If you disclose a personal experience as an SF State student, the course instructor is required to notify the Dean of Students. To disclose any such violence confidentially, contact:

The SAFE Place - (415) 338-2208; http://www.sfsu.edu/~safe_plc/
Counseling and Psychological Services Center - (415) 338-2208; http://psyservs.sfsu.edu/
For more information on your rights and available resources: http://titleix.sfsu.edu

**CHSS Student Resource Center (HSS 254):** Provides academic advising and support to all students with a CHSS major. For more information and to book advising appointment: http://chss.sfsu.edu/src or call (415)405-3740.

**Undergraduate Advising Center (ADM 212):** Provides academic advising and support to all students. For more information: https://advising.sfsu.edu/