

THE POLITICAL ECONOMY OF PUNISHMENT (PPAI 2200), Fall 2008)

Professor Glenn C. Loury: glenn_loury@brown.edu; off. Hrs. Wed. 9-12; webpage at <http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Ec%20222%20fall%2006.htm>)

TOPIC OUTLINE AND COURSE READINGS

I. *THE LAY OF THE LAND* (Impressive facts of current system. **4 class meetings.**)

a. *A Leviathan arises*. (Read the troubling Pew report, "One in a Hundred..."):

http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf

b. *One man's ethical/social scientific response*. (Read Glenn Loury's widely acclaimed – if I may! -- argument in The Tanner Lectures in Human Values, Stanford, April 2007.

See responses in G. Loury, *Race, Incarceration and American Values*, MIT Press 2008):

<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20137/Ec%20137%20spring07/LECTURE%20I.pdf> (Lecture I) and

<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20137/Ec%20137%20spring07/LECTURE%20I.pdf> (Lecture II)

c. *A sociological and institutional analysis*. (Read David Garland sweeping assessment of developments in the US and the UK, in *The Culture of Control*, chps. 1, 7 and 8):

[http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/The%20Culture%20of%20Control%20\(chp%201\).pdf](http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/The%20Culture%20of%20Control%20(chp%201).pdf) and

<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/The%20Culture%20of%20Control.pdf>

d. *The 'Prison-Industrial Complex'* (Read *The Atlantic Monthly* article by Schlosser at http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Schlosser_PrisonComp.pdf)

e. *Ghettos, 'race,' and hyper-incarceration* (Read Loic Wacquant's trenchant essays on what he calls a "New 'Peculiar Institution,'" and on the "Eclipse of Prison Ethnography")

http://www.econ.brown.edu/fac/Glenn_Loury/louryhomepage/teaching/Ec%20222/Wacquant%20on%20prison%20as%20ghetto.pdf and

<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/wacquant%20on%20prison%20ethnography.pdf?ck=nck>

f. *Congress gets into the act*. (Read the Witness Statements in the record of "Hearings, Costs of Mass Incarceration," Joint Economic Committee, US Congress, October 2007.)

http://www.jec.senate.gov/index.cfm?FuseAction=Hearings.HearingsCalendar&ContentRecord_id=7a22e2ab-7e9c-9af9-7bb7-4a1b88554f61&Region_id=&Issue_id=

II. HOW DID WE EVER GET HERE? (A history of the present. **Three class meetings**)

a. *Causal factors.* (Read Steven Levitt, “Why did crime rates fall in the 1990s?”)
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/LevittUnderstandingWhyCrime2004.pdf>

b. *A criminologist’s account.* (Read Tonry, “Why are so many Americans in Prison.”)
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Chapter%202.pdf>

c. *A criminologist’s lament over “the end of justice.”* (Read Elliot Currie’s lecture to International Center for Prison Studies, London, 2006, at
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/currie-end-of-justice.pdf>)

III. WHY PUNISH? SOME THEORY. (**Three class meetings**)

a. Read David Garland’s chapter on Durkheim, “Punishment and *Social Solidarity*”
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Punishment%20and%20Social%20Solidarity.pdf>

b. *Why not seek ‘revenge’?* Read Richard Posner on *retribution* at:
http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/posner_punishment.pdf

c. *Getting incentives right.* Read Mark Kleiman on *deterrence* at:
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/kleiman%20paper.pdf>

d. *There, but for God’s grace, go I!* Read Nir Eisikovitz on *moral luck* at:
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Eisikovits%20Moral%20Luck.pdf>

e. *The value of humiliation!?* Read David Karp on *judicial uses of shaming* at:
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/judicial%20use%20of%20shame.pdf>

IV. DEATH – THE ULTIMATE PUNISHMENT

a. *The law.* Read Randall Kennedy (*Race, Crime and the Law*, Chp. 9 at
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Chapter%209%20Race%20Law%20and%20Punishment.pdf>)

b. *What the juries do.* Read Benjamin Fleury-Steiner’s *Jurors’ Stories of Death* (all)

c. *The ‘ethics of death.’* Read Corey Brettschneider on the rights of the guilty at
<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/punishmentandlegitimacy.pdf>

V. PUNISHMENT, INEQUALITY AND 'RACE' (Four class meetings)

a. Read Bruce Western, *Punishment and Inequality in America* (all; here's a summary: <http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Summary%20of%20Western%20on%20Punishment.pdf>)

b. Read Glenn Loury, *Anatomy of Racial Inequality* (all; here's an "Author's Account": [http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/papers/Loury%20\(RBE\)%202005.pdf](http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/papers/Loury%20(RBE)%202005.pdf))

c. Read Mats Trondman (*Swedish immigrants ethnography applies Loury's framework*) <http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/trondman.pdf>

d. Read Elijah Anderson, *Code of the Streets* (chps. 2,3; 'moral ecology' of the ghetto) <http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/streets%20ch%202.pdf> (chp. 2) and

<http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/streets%20ch%203.pdf> (chp. 3)

e. Read Sudhir Venkatesh (either *Off the Books*; or *Gang Leader for a Day*. All.)

f. Read Shelby, "Justice, Deviance and the Dark Ghetto," *philosophical perspective*, at http://www.econ.brown.edu/fac/Glenn%5FLoury/louryhomepage/teaching/Ec%20222/Dark_Ghetto.pdf

COURSE REQUIREMENTS

1. **There are no exams.** Through the first half of the term students will prepare a series of three short (3-4pp) papers on various topics. These short papers will count for ½ of the course grade. Through the second half of the term students will prepare a graded first draft, and then the finished version, of a 12-15pp paper on some topic agreed upon in consultation with the professor. This longer paper will account for ½ of the grade.
2. Due dates for assignments are as follows. (**Warning: I categorically do NOT accept late papers.**)
 - a. First short paper due: **September 27** (topic: On limits of 'Law and Economics')
 - b. Second short paper due: **October 11** (topic: Race. Stigma and 'Root Causes.')
 - c. Third short paper due: **October 25** (topic: How Jurors and rest of us 'Do' Death.)
 - d. Draft final paper due: **November 20** (just before Thanksgiving Break)
 - e. Completed final paper due: **December 12** (last day of reading period.)

COURSE READINGS

A. Books

1. Elijah Anderson, *Code of the Streets: Decency, Violence and the Moral Life of Inner Cities* (Norton: 1999)
2. Benjamin Fjuery-Steiner, *Jurors' Stories of Death* (University of Michigan Press, 2004)
3. Michel Foucault, *Discipline and Punishment: The birth of the prison.* (Vintage, 1995)

4. David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Univ. Chicago Press, 2001)
5. David Garland, *Punishment and Society: A Study in Social Theory*. (Univ. Chicago Press, 1989)
6. Mike Gray, *Drug Crazy: How We Got into This Mess & How We Can Get Out* (New York: Random House, 1998)
7. Glenn C. Loury, *The Anatomy of Racial Inequality* (Harvard University Press, 2002)
8. Jeff Manza and Christopher Uggen, *Looked Out: Felon Disenfranchisement and American Democracy*, (New York: Oxford University Press, 2007)
9. Michael Tonry, *Malign Neglect: Race, Crime and Punishment in America* (Oxford Univ. Press 1996)
10. Sudhir Venkatesh, *Off the Books: The Underground Economy of the Urban Poor* (Cambridge, MA: Harvard University Press, 2007)
11. Bruce Western, *Punishment and Inequality in America* (Russell Sage, 2006)

B. Articles (To be posted on the course web page. Others will be added.)

1. Becker, Gary. 1968. "Crime and Punishment: An Economic Approach." *Journal of Political Economy*. 76:2, pp. 169-217.
2. Ehrlich Isaac. 1996. "Crime, Punishment and the Market for Offenses." *Journal of Economic Perspectives*. Winter, pp. 43-67
3. Johnson, Rucker C. and Steven Raphael. 2005. "The Effects of Male Incarceration Dynamics on AIDS Infection Rates among African –American Women and Men." (unpublished ms) University of California, Berkeley. July 2005. pp. 1-65
4. Johnson, Rucker and Steven Raphael. 2007. "Why Are So Many Americans in Prison?" (unpublished ms.) University of California, Berkeley.
5. Levitt, Steven D. 2004. "Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not." *Journal of Economic Perspectives* Vol. 18, No. 1 Winter 2004. pp. 163-190
6. Levitt, Steven D. 1996. "The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Litigation." *Quarterly Journal of Economics*. 111:2, pp. 319-52
8. Levitt, Steven D. 1997. "Using Electoral Cycles in Police Hiring to Estimate the Effect of Police on Crime." *American Economic Review*. 87:3, pp. 270-90
9. Pager, Devah. 2003. "The Mark of a Criminal Record." *American Journal of Sociology* 108: 937-75
10. Sampson, Robert J. and Steven Raudenbusch.. *Perceptions of Disorder*. Cambridge, MA: Harvard University Press.
11. Schlosser, Eric. 1998. "The Prison-Industrial Complex." *Atlantic Monthly* (December)
12. Trondman, Mats. 2006. "Disowning Knowledge: To be or not to be 'the immigrant' in Sweden." *Ethnic and Racial Studies* 29 (3) (May), pp. 431-451.
13. Wacquant, Loïc. 2000. "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto." *Theoretical Criminology* 4:377-89
14. Wacquant, Loïc. 2001. "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh." Pp. 82-120 in *Mass Imprisonment: Social Causes and Consequences*, edited by David Garland. London: Sage.