

CULT 860 (003): Social Control After Foucault: Policing, Prisons, Surveillance

Wednesday, 7:20—10 PM, David King Hall 2054

Prof. Roger Lancaster

Office Hours: Wednesday, 3—5PM and by appointment, 3rd Floor Enterprise Hall

Foucault discerned two broad, overlapping dispensations of power. *Sovereign power* was the archaic right of the king to punish: it aimed to harm, maim, or “subtract” from life. By contrast, modern *bio-power* aims not to subtract from life but to regularize or normalize it. Bio-power developed in a historically staggered sequence. Disciplinary techniques emerged first, in the seventeenth and eighteenth centuries: the “gentle punishments” associated with Enlightenment prisons strove to “correct” miscreants, to straighten out crooked ways. Then, in the eighteenth and nineteenth centuries, biopolitics further refined the techniques of normalization. The effect of demographic and biomedical sciences, it works less to correct than to modulate, invest in, or “produce” life.

This is a true story, fieldnotes from a real interview:
“Last night I dreamed that my ‘ex’ confronted me. He said, ‘You may think you can hide from me, but I know everything you’ve done.’ Then he took out a cell phone and showed it to me, and there it was: my life, everything.... It jolted me awake to realize that I didn’t much like the life I was living.”

This course will briskly review basic concepts then take up where Foucault’s sequence left off. It examines forms of social control that began their ascent with mass incarceration, a distinctly American phenomenon that was unforeseen by Foucault or any other theorist for that matter; it will survey the decentered (and “democratized”) supervisory techniques associated with what Gilles Deleuze dubbed “continuous control,” which are today accelerating and intensifying even as mass incarceration appears to be topping out or winding down. Key reference points will include: the punitive turn; incapacitation; hyperpunishment; race and class; quality of life policing; securitization; responsabilization; vigilantism; panopticon; synopticon; algorithms of deterrence; social abandonment.

Format: This syllabus is “overstuffed,” allowing students to pursue some of their own interests in depth. The regular required readings are not excessive; they range from 3 to 6 articles or chapters per week. In addition, each student will select one week to serve as class coordinator *and* one of the recommended books for a short review (and reportage to class). Students will also report on their research projects during the last two weeks of class (10-15 minutes each).

Grading: Students will be evaluated on class discussion (30%), course presentations and coordination (see above) (30%), and a final project (40%).

Projects: You may propose a standard research paper topic (10—15 pages) OR some other equally taxing project or activity to serve as a demonstration of your thinking and engagement beyond the minimal criteria for this course. Surprise me.

Required Books:

David Halperin and Trevor Hoppe, Eds., *The War on Sex*

Marie Gottschalk, *Caught*

Roger Lancaster, *Sex Panic and the Punitive State*

Franklin Zimring and Gordon Hawkins, *Crime is Not the Problem: Lethal Violence in America*.

Recommended Books:

Emily Horowitz, *Protecting Our Kids: How Sex Offender Laws Are Failing Us*

Marc Morjé Howard, *Unusually Cruel*
 John Irwin, *Jail: Managing the Underclass in American Society*
 Jonathan Simon, *Governing Through Crime*
 Jonathan Simon, *Mass Incarceration on Trial*
 Patrick Turner, *The Naked Future*

0. Introductions (Jan 23)

Some Background Reading on Punishment as Social Control:

- Roger Lancaster, "Punishment," pp. 519—527, from *Companion to Moral Anthropology*
- Matthew Deflem, "Social Control"

1. What Was Discipline? (Jan 30)

- Michel Foucault, *Discipline and Punish* (esp. Parts One, Two, and Three).

2. What Comes After Discipline? (Feb 6)

- Roger Lancaster, "The New Pariahs: Sex, Crime, and Punishment in America," *The War on Sex*, ed. David Halperin and Trevor Hoppe (Duke).
- Gilles Deleuze, "Postscript on the Societies of Control," *October* 59 (1992).
- Michalis Lianos, "Social Control After Foucault," *Surveillance and Society* 1 (3) (2003).
- J.C. Oleson, "The Punitive Coma," *California Law Review*

Solitary Torture:

- <http://www.nytimes.com/2015/08/04/health/solitary-confinement-mental-illness.html?>

Collateral Consequences:

- National Association of Criminal Defense Lawyers, *Collateral Damage*

When the Shift Occurred:

- Robert Martinson, "What Works? Questions and Answers About Prison Reform" (1973).

Commentary/Overview:

- James Q. Whitman, "What Happened to Tocqueville's America?" *Social Research*.

On the Run:

- Alice Goffman, "How We're Priming Some Kids for College – And Others for Prison," https://www.ted.com/talks/alice_goffman_college_or_prison_two_destinies_one_blatant_injustice
- "Alice Goffman's Heralded Book on Crime is Disputed," <http://www.nytimes.com/2015/06/06/books/alice-goffmans-heralded-book-on-crime-disputed.html>

3. American Ways of Violence (Feb 13)

- Franklin Zimring and Gordon Hawkins, *Crime is Not the Problem: Lethal Violence in America*, Part I, Chapters 1—5.
- James Q. Wilson, "Hostility in America" (review of Zimring and Hawkins), *The New Republic*.
- Manfred Berg, Chapter 1, from *Popular Justice: A History of Lynching in America*.

- William F. Pinar, “Cultures of Torture,” in Joy James, ed. *Warfare in the American Homeland*.

Short Riffs:

- Nancy Scheper-Hughes, “No Magic Bullets,” and Henry Giroux, “Addicted to Violence,” from *On Violence*

See Also, from 1928:

- Thorsten Sellen, “The Negro Criminal: A Statistical Note,” *Annals of the Academy of Political and Social Science*, 1928
- W.E.B. Du Bois, “Race Relations in the United States,” *Annals of the Academy of Political and Social Science*, 1928

.... And see this, if you lack the background:

- Hannah Arendt, from *On Violence*
- Timeline of US military Operations
http://en.wikipedia.org/wiki/Timeline_of_United_States_military_operations

A Marxist Perspective:

- Christian Parenti, from *Lockdown America*

4. Mass Incarceration: Race & Class Perspectives (Feb 20)

- Loïc Wacquant, “From Slavery to Mass Incarceration: Rethinking the ‘Race Question’ in the US,” *New Left Review*
- Angela Davis, “Slavery, Civil Rights, and Abolitionist Perspectives Toward Prison,” from *Are Prisons Obsolete?*
- Michelle Alexander, “Introduction,” from *The New Jim Crow*.
- Marie Gottschalk, Chapter 6, “Is Mass Incarceration the New Jim Crow?” From *Caught*.
- James Forman Jr., “Racial Critiques of Mass Incarceration: Beyond the New Jim Crow,” *New York University Law Review*
- Nathaniel Lewis, “Locking Up the Lower Class”

On Race/Class:

- Touré Reed, “Why Liberals Separate Race from Class,”
<https://www.jacobinmag.com/2015/08/bernie-sanders-black-lives-matter-civil-rights-movement/>

Prisons of Poverty:

- <https://www.jacobinmag.com/2015/08/race-class-bernie-sanders-black-lives-matter/>
- <http://www.prisonpolicy.org/reports/income.html>

Charts:

- “Two Nations,” <http://www.economist.com/blogs/graphicdetail/2015/04/daily-chart-16>

Close-up: Network Victimization:

- Charles Blow, “Black Lives and Books of the Dead,” *NYT*.
- Andrew Papachristos et al, “Network Exposure and Homicide Victimization in an African-American Community,” *Am. J. Public Health*.
- Papachristos, “Social Networks and the Risk of Gunshot Injury,” *J. Urban Health*.

On the Persistence of Mass Incarceration:

- Marie Gottschalk, “Introduction” from *Caught*.

Interviews with Adolph Reed:

- “On the New Jim Crow,” *North Star*
- “Will the Fergusson Resistance Fade Into History?” *TheRealNews.com*

More Wacquant:

- Loïc Wacquant, “Class, race & hyperincarceration in revanchist America,” *Daedalus*

.... *And Check These Graphics*

- “Fact Sheet: Trends in U.S. Corrections,” The Sentencing Project
- “Mass Incarceration: The Whole Pie,” <http://www.prisonpolicy.org/reports/pie.html>

Book Report:

John Irwin, *Jail: Managing the Underclass in American Society*

5. On the Political Economy of Mass Incarceration (Feb 27)

- Samuel Bowles and Arjun Jayadev, “One Nation Under Guard,” *New York Times* Opinionator
- Arjun Jayadev and Samuel Bowles, “Guard Labor,” *Journal of Development Economics*
- Jonathan Simon, “Consuming Obsessions: Housing, Homicide, and Mass Incarceration Since 1950,” *University of Chicago Legal Forum*.
- Roger Lancaster, *Sex Panic and the Punitive State*, pp. 181—191 and 214—225.
- Marie Gottschalk, Chapter 4, “What Second Chance?” from *Caught*.

.... *And see this:*

- Bruce Western and Becky Pettit, “Beyond Crime and Punishment: Prisons and Inequality,” *Contexts*

Play the Numbers: How to Reduce Mass Incarceration (Hint: It isn’t as Easy as You Might Think):

- Upshot: “How to Cut the Prison Population”
- <http://webapp.urban.org/reducing-mass-incarceration/index.html>

Innocence Packet (Samuel Gross, Debbie Nathan)

6. Anxiogenic Modalities, New Governmentalities (Mar 6)

- Engin F. Isin, “The Neurotic Citizen,” *Citizenship Studies* 8(3) (2004): 217–235.
- Paul Virilio, excerpts from *The Original Accident*.
- Jonathan Simon, “Beyond the Panopticon,” *Law, Culture, and the Humanities*.
- Jonathan Simon, “Governing Through Crime Metaphors,” *Brooklyn Law Review*.
- Roger Lancaster, “Panic: A Guide to the Uses of Fear,” *Sex Panic*, pp. 23—38 and 162—166.

Background:

- Michel Foucault, “Governmentality,” from *The Foucault Effect*.

7. SPRING BREAK (Mar 13)

8. Sex Panic and the Destruction of the Person (Mar 20)

- Roger Lancaster, “The Magical Power of the Accusation,” from *Sex Panic and the Punitive State*, pp. 104—136.

- Halperin (Introduction, 1—64), Levine (126—173), Daniel-McCarter, Meiners, and Noll (174—190), and Mansnerus (268—290), in David Halperin and Trevor Hoppe, eds., *The War on Sex*.

Connecting the dots: Ostracism, Expulsion, Banishment

- Roger Lancaster, “Planet of Exiles,” *emisférica*
- David Brooks, “The Cruelty of Call-Out Culture,” *New York Times*

.... *And In the Dark Corners of the Society of Continuous Control:*

- Galen Baughman, “Questionable Commitments,” <http://www.cato-unbound.org/2015/06/01/galen-baughman/questionable-committments>
- Galen Baughman and Andrew Extein, “Treatment Complex,” *Playboy*

Debate:

- [Should We Abolish the Sex Offender Registry?](#)

Book Report:

- Emily Horowitz, *Protecting Our Kids: How Sex Offender Laws Are Failing Us*

9. Synopticon, Securitization, Responsibilization (Mar 27)

A. Synopticon

- Thomas Mathiesen, “The Viewer Society: Michel Foucault’s ‘Panopticon’ Revisited,” *Theoretical Criminology*.
- Mark Andrejevic, “The Work of Watching One Another: Lateral Surveillance, Risk, and Governance,” *Surveillance & Society*.

B. Securitization

- Setha Lowe, “A Nation of Gated Communities,” from *The Insecure American*.
- Roger Lancaster, “Zero Tolerance,” *Sex Panic*, pp. 141—166 (esp. “Extending the Carceral,” 152—162)

C. Responsibilization

- Bilge Yesil, “Watching Ourselves: Video surveillance, urban space and self-responsibilization,” *Cultural Studies*.
- Mark Andrejevic, “Interactive (In)Security,” *Cultural Studies*, 20:4-5, (2006) 441-458

Further Reading:

- Marie Gottschalk, Chapter 11, “The Prison beyond the Prison,” from *Caught*.
- Sean Hier, Joshua Greenberg, Kevin Walby and Dan Lett (2007) “Media, Communication, and the Establishment of Public Video Surveillance Programs in Canada,” *Media, Culture, and Society* 29(5): 727–51.
- “What Should Parents Do If a Child Touches a Sibling?” *LA Times*
- Var. Articles on “Affirmative Consent”
- Marc Schuilenburg, “The Securitization of Society: On the Rise of Quasi-Criminal Law and Selective Exclusion,” *Social Justice* 38 (2).
- Aaron Doyle, “Revisiting the Synopticon: Reconsidering Mathiesen’s ‘The Viewer Society’ in the age of Web 2.0,” *Theoretical Criminology* 2011 15: 283
- Marjo Siltaoja and Virpi Malin, Miikka Pyykkönen, “‘We are all responsible now’: Governmentality and responsabilized subjects in corporate social responsibility,” *Management Learning*.

Background:

- Michel Foucault, “One,” from *Security, Population, Territory*.

Securitization Versus Discipline:

- Andrew Dilts and Bernard E. Harcourt, "Discipline, Security, and Beyond."

Book Report:

Jonathan Simon, *Governing Through Crime*

10. Broken Windows & Quality of Life Policing (Apr 3)

- George Kelling and James Q. Wilson, "Broken Windows," *Atlantic*.
- Bernard Harcourt, "Policing Disorder: Can We Reduce Serious Crime by Punishing Petty Offenses?"
- Bernard E. Harcourt and Jens Ludwig, "Broken Windows: New Evidence from New York City and a Five-City Social Experiment," *University of Chicago Law Review* 271 (2006).
- "Author of 'Broken Windows' Defends His Theory," *New York Times*.
- Heather MacDonald, "It's the Cops, Stupid!" *The New Republic*
- Jeffrey Rosen, "Excessive Force," *The New Republic*
- Charles Blow, "Romanticizing 'Broken Windows' Policing," *NYT*
- Editorial Board, "Crime and Confusion in a Safer NYC," *NYT*

Should We Reign In Cops?

- <http://www.nytimes.com/roomfordebate/2015/06/04/have-fearful-police-brought-an-end-to-the-drop-in-crime>

Raiding the White War Hero's Apartment:

- Alex Horton, "In Iraq, I raided Insurgents. In Virginia, the Police Raided Me."

Economizing:

- Gary S. Becker, "Crime and Punishment: An Economic Approach."

See also:

- ACLU, "Homeless in Minneapolis" (flyer)

Actuarial Law:

- Malcolm Feeley and Jonathan Simon, "The New Penology," *Criminology*

More Harcourt on Actuarial Policing:

- Bernard E. Harcourt, "Punitive Preventive Justice: A Critique," *Preventive Justice*
- Bernard Harcourt, "Neoliberal Penalty: A Brief Genealogy," Working Papers Series

.... Sauce for the Goose?

- Paul Krugman, "Broken Windows and American Oligarchy"
- Vera Te Velde, *Veracities*, Testing Broken Windows, May 12, 2015
- Deborah Cohen et al., "Broken Windows and the Risk of Gonorrhoea," *Am. J. Public Health*.

Value Added Packet: Maybe We Don't Need So Much Policing:

- *Rethinking the Blues*, Justice Policy Institute

Police Violence

- [Washington Post Fatal Police Shootings Database](#)
- [The Guardian Database: The Counted](#)

11. Algorithms of Deterrence and the Moneyball Approach to Crime Control (Apr 10)

- “Cyrus Vance Jr.’s ‘Moneyball’ Approach to Crime,” *New York Times*.
- “When an Algorithm Helps Send You to Prison,” *New York Times*.
- Patrick Tucker, “Introduction,” *The Naked Future*
- Juliana DeVries, “You Can Be Prosecuted for Clearing Your Browser History,” *The Nation*
- Bernard Harcourt, “Against Prediction”
- Bernard Harcourt, “Postmodern Meditations on Punishment”

On Big Data and Planning:

- Evgeny Morozov, “The Planning Machine”
- Greg Grandin, “The Anti-Socialist Origins of Big Data”
- Evgeny Morozov, “The Rise of Data and the Death of Politics”

iPod Liberalism and Internet Dictatorship:

- https://www.ted.com/talks/evgeny_morozov_is_the_internet_what_orwell_feared

Film:

- Sleep Dealer
- Edward Snowden, “The World Says No to Surveillance,” <http://www.nytimes.com/2015/06/05/opinion/edward-snowden-the-world-says-no-to-surveillance.html>

Book Report:

Turner, *The Naked Future*.

Exhibit A: Predictive Policing and the Question of Racial Bias

- ProPublica, “[Machine Bias](#)”
- ProPublica, “[Bias is inevitable](#)”
- WashPo, “[It’s Actually Not That Clear](#)”
- WashPo, “[The Machines that could rid courts of racism](#)”

Exhibit B: Predictive Diagnostics in Sex Crime Sentencing and Treatment

- New York Times, “[When Junk Science About Sex Offenders Infects the Supreme Court](#)”
- Daily Beast, “[‘Untouchable’ Makes the Case for More Lenient Sex Offender Laws](#)”
- Reason, “[‘I’m Appalled,’ Says Source of Phony Number Used to Justify Harsh Sex Offender Laws](#)”
- [Static 99](#)

12. Paths Forward: Abolition or Reform? (Apr 17)

- Roger Lancaster, “How to End Mass Incarceration”
- Dan Berger, Mariame Kaba, David Stein, “What Abolitionists Do”
- Roger Lancaster, Response: “A Word on Words”
- *A view from Abolitionism: INCITE! Community Accountability Working Document*
- *A View from Northern Europe: Ikponwosa O. Ekunwe and Robert Jones, “Finnish Criminal Policy: From Hard Time to Gentle Justice”*

Book Report:

- Marc Morjé Howard, *Unusually Cruel*

13. Paths Forward 2 (Apr 24)

- Jonathan Simon, "Mass Incarceration on Trial," *Punishment and Society*
- Jonathan Simon, "Clearing the 'troubled assets' of America's punishment bubble," *Daedalus*
- Mark Kleiman, "Toward Fewer Prisoners and Less Crime," *Daedalus*
- Robert Weisberg and Joan Petersilia, "The Dangers of Pyrrhic Victories Against Mass Incarceration," *Daedalus*
- Glenn C. Loury, "Crime, inequality & social justice," *Daedalus*

On Restorative Justice:

- Carrie Menkel-Meadow, "Restorative Justice: What Is It and Does It Work?" *Annu. Rev. Law Soc. Sci.* 2007. 3:10.1–10.27
- Albert W. Dzur, "Restorative justice and democracy: fostering public accountability for criminal justice," *Contemporary Justice Review*.

Book Report:

- Jonathan Simon, *Mass Incarceration On Trial*

BONUS PACKET: Disposable Life**In the Contemporary World, "Disposability" Refers to 80% of Humanity:**

- Slavoj Zizek, "Disposable Life," <https://www.youtube.com/watch?v=ud2Wq9wT7cQ>

14. (May 1)

Class Presentations

PROJECTS DUE: Monday, May 6, 5 PM, Word doc via email

VARIA (University Requirements)

Disability Accommodations: For more information about accommodations and other information related to students with disabilities, please contact Mason's [Office of Disability Services](#). If you have a documented learning disability or other condition that may affect academic performance you should: 1) make sure this documentation is on file with Office of Disability Services (SUB I, Rm. 4205; 993-2474; <http://ods.gmu.edu>) to determine the accommodations you need; and 2) talk with me to discuss your accommodation needs.

Diversity: Diversity is one of the university's core values. See <http://ctfe.gmu.edu/professional-development/mason-diversity-statement/>

Privacy: Students must use their MasonLive email account to receive important University information, including messages related to this class. See <http://masonlive.gmu.edu> for more information.

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