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 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 decentralized (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; responsibilization; 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)

<table>
<thead>
<tr>
<th>Some Background Reading on Punishment as Social Control:</th>
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<tbody>
<tr>
<td>- Roger Lancaster, “Punishment,” pp. 519—527, from <em>Companion to Moral Anthropology</em></td>
</tr>
<tr>
<td>- Matthiew Deflem, “Social Control”</td>
</tr>
</tbody>
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### 1. What Was Discipline? (Jan 30)
- Michel Foucault, *Discipline and Punish* (esp. Parts One, Two, and Three).

### 2. What Comes After Discipline? (Feb 6)

**Solitary Torture:**

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

**When the Shift Occurred:**

**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](https://www.ted.com/talks/alice_goffman_college_or_prison_two_destinies_one_blatant_injustice)

### 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.
- Manfred Berg, Chapter 1, from *Popular Justice: A History of Lynching in America*. 

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

**See Also, from 1928:**

…. And see this, if you lack the background:
- Hannah Arendt, from *On Violence*

**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?*
- Marie Gottschalk, Chapter 6, “Is Mass Incarceration the New Jim Crow?” From *Caught.*
- Nathaniel Lewis, “Locking Up the Lower Class”

**On Race/Class:**

**Prisons of Poverty:**
- [http://www.prisonpolicy.org/reports/income.html](http://www.prisonpolicy.org/reports/income.html)

**Charts:**

**Close-up: Network Victimization:**
- Charles Blow, “Black Lives and Books of the Dead,” *NYT.*

**On the Persistence of Mass Incarceration:**
- Marie Gottschalk, “Introduction” from *Caught.*

**Interviews with Adolph Reed:**
5. On the Political Economy of Mass Incarceration (Feb 27)
- 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)
- Paul Virilio, excerpts from The Original Accident.

   Background:
- Michel Foucault, “Governmentality,” from The Foucault Effect.

7. SPRING BREAK (Mar 13)

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

…. And In the Dark Corners of the Society of Continuous Control:
- 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

B. Securitization
- Setha Lowe, “A Nation of Gated Communities,” from The Insecure American.

C. Responsibilization

Further Reading:
- “What Should Parents Do If a Child Touches a Sibling?” LA Times
- Var. Articles on “Affirmative Consent”
- 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 responsibilized subjects in corporate social responsibility,” Management Learning.

Background:
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)
- Bernard Harcourt, “Policing Disorder: Can We Reduce Serious Crime by Punishing Petty Offenses?”
- 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?

Raiding the White War Hero’s Apartment:
- Alex Horton, “In Iraq, I raided Insurgents. In Virginia, the Police Raided Me.”

Economizing:

See also:
- ACLU, “Homeless in Minneapolis” (flyer)

Actuarial Law:

More Harcourt on Actuarial Policing:

…. Sauce for the Goose?
- Paul Krugman, “Broken Windows and American Oligarchy”
- Vera Te Velde, Veracities, Testing Broken Windows, May 12, 2015

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
II. Algorithms of Deterrence and the Moneyball Approach to Crime Control (Apr 10)
- Patrick Tucker, “Introduction,” The Naked Future
- Juliana DeVries, “You Can BeProsecuted 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”
- 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:
- 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

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

**On Restorative Justice:**

**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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**STATEMENT ON Academic Integrity.** The University Honor Code is upheld and supported by the Office for Academic Integrity. The integrity of the University community is affected by the individual choices made by each of us. GMU has an Honor Code with clear guidelines regarding academic integrity. Three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. No grade is important enough to justify academic misconduct. Plagiarism means using the exact words, opinions, or factual information from another person without giving the person credit. Writers give credit through accepted documentation styles, such as parenthetical citation, footnotes, or endnotes. Paraphrased material must also be cited, using MLA or APA format. A simple listing of books or articles is not sufficient. Plagiarism is the equivalent of intellectual robbery and cannot be tolerated in the academic setting. If you have any doubts about what constitutes plagiarism, please see me.