

Individual Liberty and Mass Incarceration, Spring 2015

Political Theory Project

Course Description:

Many of the most renowned theorists of classical criminology were in fact self-identified political economists and political philosophers amidst the classical liberal and enlightenment tradition. Patterns of crime and punishment have significantly changed since the enlightenment period. This course asks simply: what would the enlightenment classical liberals have to say about today's unique trends? Whereas Adam Smith was fascinated by and arguably successful in comprehending why some countries are rich and others poor; we borrow his analytical tool kit to investigate why some societies incarcerate more than others.

Learning Objectives:

This study aims to further students' knowledge on two primary frontiers. First, they will deepen their understanding of the content and intellectual history of liberalism through application. Enlightenment perspectives on crime and punishment were aimed to be consistent subsets of broader social theories surrounding the behavioral conditions of human individuals, the role and influence of social institutions upon human behaviors and group dynamics, and the processes of institutional change through history. Second, students will be asked to apply these ideas to comprehend contemporary issues surrounding criminal justice and mass imprisonment trends.

Course Format and Requirements:

By far the most important requirement of the course is that you complete all assigned readings carefully and before class. I recommend that you go over the readings relatively quickly once, trying to pick out the main ideas and to see what topics are covered, and then do them again, slowly and carefully, taking notes about what seems important or intriguing and about what you don't fully understand. These notes will also help immensely in generating useful and stimulating class discussion.

Participation: 20 percent. (Participation consists of regular attendance and contributing substantively to discussions in class meetings with questions or comments that reflect thorough preparation.)

Two five-page papers: 40 percent (20 percent each). These papers will be reflections upon the previous readings (approximately 5 pages) and should ideally help students' make progress towards their final research paper.

Final paper: 40 percent. This will be an approximately 20-page paper on a topic chosen in consultation with me.

Schedule:

Section I. Some stylized facts about crime and punishment.

Week 1:

Walmsley, R. (2003). "Global Incarceration and Prison Trends," Forum on Crime and Society. 3(1): 65-78.

Available at:

<https://www.dropbox.com/s/kfekw7o0f9jxq7t/Walmsley%2C%202003.pdf?dl=0>

Buonanno, P., Drago, F., Galbiati, R. and Zanella, G. (2011). "Crime in Europe and the United States: dissecting the 'reversal of misfortunes,'" *Economic Policy*. 347-85.

Available at:

<https://www.dropbox.com/s/98nd97kib42rpw3/buonanno%2C%202011%2C%20crime%20us%20and%20europe.pdf?dl=0>

Section II. Explaining the facts

Week 2:

Lacey, N. (2012). "Political Systems and Criminal Justice: 'The Prisoner's Dilemma After the Coalition,'" *Current Legal Problems*.

Available at:

<https://www.dropbox.com/s/98nd97kib42rpw3/buonanno%2C%202011%2C%20crime%20us%20and%20europe.pdf?dl=0>

D'Amico, D. and Williamson, C. (2014). "Do Legal Origins Affect Cross-Country Incarceration Rates?" *Journal of Comparative Economics*. Online First.

Available at:

<https://www.dropbox.com/s/s09dxgc050xe1q8/damico%20and%20williamson%202.pdf?dl=0>

Section III. Early perceptions of crime and punishment in industrial society

Week 3:

Mandeville, Bernard (1725). "An Inquiry into the Causes of the Frequent Executions at Tyburn: and a Proposal for some Regulations Concerning Felons in Prison, and the Good Effects to be Expected from Them."

Available at:

<https://www.dropbox.com/s/aoajaqo7a8hq731/mandeville%2C%201725.pdf?dl=0>

Week 4:

Defoe, D. (1730). "An Effectual Scheme for the Immediate Prevention of Street Robberies and Suppressing all other Disorder of the Night,"

Available at: Manuscript from bookstore or online purchase

Fielding, H. (1751). "An Inquiry into the Causes of the Late Increase of Robbers," Available at:
<http://books.google.com/books?id=RnBKAAAAMAAJ&pg=PA1#v=onepage&q&f=false>

Section IV. Enlightenment theories of crime and punishment

Week 5:

Montesquieu (1748) *The Spirit of the Laws*.

Vol. 1

BOOK VI: Consequences of the Principles of Different Governments with Respect to the Simplicity of Civil and Criminal Laws, the form of Judgements, and the Inflicting of Punishments: pp.91-121.

Vol. 2

-Book Ch. XIII Of Inexpiable Crimes, p. 159

-Book XXV, Ch. XII: Of Penal Laws, p. 188

-Book XXVI: Of Laws, As Relative to the Order of things On Which They Determine: pp. 193-224.

-Book XXVIII: Of the Origin and Revolutions of the Civil Laws Among the French: pp. 232-298.

Available at:

<https://www.dropbox.com/s/mstyjwc8mj71m0w/montesquieu%2C%201748.pdf?dl=0>

Week 6:

Smith, A. (1762) *Lectures on Jurisprudence*, Liberty Fund pp. 536-605.

Available at:

<https://www.dropbox.com/s/gyvf67aaiejaqb0/Smith%20-%20jurisprudence%202.pdf?dl=0>

Beccaria, C. (1764). *On Crimes and Punishments*. Cambridge: Introduction and pp. 1-32

Available at:

<https://www.dropbox.com/s/00nf0w95jjgptka/beccaria%20on%20crimes%20and%20pu.pdf?dl=0>

Week 7:

Bentham, J. (Dumont ed. 1811). *The Rationale of Punishment*

Available at:

<http://www.laits.utexas.edu/poltheory/bentham/rp/index.html>

Week 8:

Spencer, H. (1860). "Prison Ethics," *The British Quarterly Review*.

Available at:

<https://www.dropbox.com/s/3hgcnb1w6sngwn0/spencer%20.pdf?dl=0>

Week 9:

Beaumont, G. and Tocqueville, A. (1833). On the penitentiary system in the United States and its application in France; with an appendix on penal colonies and also statistical notes. Cabey, Lea & Blanchard.

Available at:

<https://www.dropbox.com/s/yym57hggih7bofi/beauMont%20and%20Tocqueville.pdf?dl=0>

Section V. Private Law

Week 10:

Molinari, G. (1849). "The Production of Security," *Journal des Economistes*: 277-90.

Available at: <https://www.dropbox.com/s/u7bstp5bcthqdxl/Molinari%20-%20The%20Production%20of%20Security.pdf?dl=0>

Friedman, D. (1979). "Private Creation and Enforcement of Law: A Historical Case," *The Journal of Legal Studies*. 8(2): 399-415.

Available at:

<https://www.dropbox.com/s/i2w9r7844a4oafa/friedman%20private%20law.pdf?dl=0>

Benson, B. (1992). "The Development of Criminal Law and Its Enforcement: Public Interest or Political Transfers?" *Journal des Economistes et des Etudes Humaines*. 3(1): 79-108.

Available at:

<https://www.dropbox.com/s/guxwemnlxjam2fe/benson%20C%20The%20Development%20of%20Criminal%20Law%20etc.pdf?dl=0>

Week 11:

D'Amico, D. (2010). "The Prison in Economics: Private and Public Incarceration in Ancient Greece," *Public Choice*. 145(3-4): 461-82.

Available at:

<https://www.dropbox.com/s/o7g1f9m8vs7y4yz/damico%20prison%20public%20choice%20proof.pdf?dl=0>

Leeson, P. (2011). "Trial by Battle," *Journal of Legal Analysis*. 3(1): 341-375.

Available at:

<https://www.dropbox.com/s/nh5m5gan31czms1/leeson%20C%20Trial%20by%20Battle.pdf?dl=0>

Leeson, P. (2012). "Ordeals," *Journal of Law and Economics*. 55: 691-714.

Available at:

<https://www.dropbox.com/s/ugfgd3obl6qonmu/leeson%20Ordeals.pdf?dl=0>