

TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI



VICTORIA
UNIVERSITY OF WELLINGTON

SCHOOL OF SOCIAL AND CULTURAL STUDIES

Te Kura Mahinga Tangata

Institute of Criminology

CRIM 312

Punishment and Modern Society

Course Outline

CRN 1107 : 24 POINTS

Trimester 2, 2007

COURSE COORDINATOR: PROFESSOR JOHN PRATT

Room 1116, Murphy Building

Tel: (04) 463 5327

Email: John.Pratt@vuw.ac.nz

LECTURES: TUESDAY 10-12NOON: EA LT206

Institute of Criminology

CRIM 312

Punishment and Modern Society

TEACHING PROGRAMME

	Week Commencing	Tuesday (Lectures) 10am–11.50am (EA LT206)	Thursday (Tutorials) 10am–10.50am & 11am–11.50am (EALT206)
1	9 July	The Spectacle of Punishment and its Decline (JP)	No Tutorials
2	16 July	The Birth of the Prison (JP)	Tutorials
3	23 July	Imprisonment Today (JP)	Tutorials
4	30 July	Prison Culture (JP)	Tutorials
5	6 August	Dangerousness (JP)	Tutorials
6	13 August	Parole (JP)	Tutorials

TRIMESTER BREAK 20 August – 2 September

7	3 September	Punishment in the Community (JP)	Tutorials
8	10 September	Restorative Justice (JH)	Tutorials
9	17 September	Penal Populism (JP)	Tutorials
10	24 September	Sentencing Commissions (WY)	Tutorials
11	1 October	Public Opinion and Punishment (JP)	Tutorials
12	8 October	Contemporary Penal Politics (JP)	Tutorials

JP = John Pratt

JH = Julia Hennessy

WY = Warren Young

COURSE COORDINATOR: Professor John Pratt
Murphy building, MY1116
Tel: 463 5327
E-mail: John.Pratt@vuw.ac.nz

OFFICE HOURS: Tuesdays 9-10am
Wednesdays 12-1pm
If you are not able to make these times please contact John to arrange an alternative time.

TUTOR: Dr Charles Sedgwick
Murphy building, MY922
Tel: 463 5233 ext 8876
Charles' office hours will be confirmed during the first tutorial.

OTHER CONTACT INFORMATION

Head of School: Assoc. Professor Jenny Neale, MY1013
Tel: 463 5827 E-m: Jenny.Neale@vuw.ac.nz

International Student Liaison: Dr Hal Levine MY1023
Tel: 463 6132 E-m: Hal.Levine@vuw.ac.nz

Maori and Pacific Student Liaison: Assoc. Professor Jeff Sissons, MY1017
Tel: 463 6131 E-m: Jeff.Sissons@vuw.ac.nz

Students with Disabilities Liaison: Dr Rhonda Shaw, MY1022
Tel: 463 6134 E-m: Rhonda.Shaw@vuw.ac.nz

School Manager: Carol Hogan, MY918
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School Administrators: Monica Lichti, Adam Meers , Amy Stratton
MY921, Tel: 463 5317, 463 5258, 463 5677
E-m: sacs@vuw.ac.nz

The Institute, which is located on level 11 of Murphy Building, Kelburn Parade, is generally open from 9am to 4pm.

COURSE DETAILS AND TEXTBOOKS

This half-year course provides a critical examination of the history of modern penal development, the development of prisons and prison life and current penal trends. Student Notes, with readings for all seminars, are available from the Student Notes Distribution Centre on the ground floor of the Student Union Building (approx. \$17). John Pratt's Punishment and Civilization (2002), on sale at the University Bookshop (approx. \$80), and Penal Populism (2006) (approx \$60) are recommended texts.

Seminars will be held in **Easterfield LT206**. Tutorials will be held on Thursdays from **10.00–11.00am & 11.00am-12.00noon in EA LT206**. The tutorials are optional for students although students are advised to attend as many as possible. **The tutorials begin in the second week of the trimester.** Students are free to choose which group they want to attend to in a particular week. There will be an opportunity for students to discuss this arrangement on the first day of the course. All students are expected to participate in the seminars and to be in a position to discuss the reading material.

There is a student noticeboard outside the lifts on level 11 of Murphy building where general information, which may be of interest to you, is displayed. There is also a School student noticeboard on level 9, Murphy building.

COURSE AIMS AND OBJECTIVES

- To provide students with an understanding of the historical development of modern punishment systems.
- To provide an examination of important contemporary issues relating to penal policy.
- To provide students with insights into the dynamics of penal change.
- To provide students with an overview of important new developments in penal policy.

To assist in these objectives it is anticipated that a class visit to a local prison will be made in July or August, subject to gaining consent from the Department of Corrections for this.

ASSESSMENT

The assessment requirements for this course are as follows:

1. Essay Outline (10%);
2. Extended Essay (50%);
3. Two-hour Final Examination (40%).

You cannot pass the course, whatever your aggregate mark, unless you receive at least 40% for your Essay and at least 40% in the Final Examination.

These methods of assessment are designed:

- i) to assess student's ability to develop a research proposal on a topic of specific interest to them and to then complete this task in the form of an extended essay and
- ii) to assess student's broad knowledge of the course in the form of a final examination.

DUE DATES	
<i>Outline</i>	4pm, Thursday 9 August 2007
<i>Extended Essay</i>	4pm, Friday 12 October 2007
<i>Final Exam</i>	Time/date to be advised (2 hours)

IDENTIFYING YOUR ESSAY OR ASSIGNMENT - FRONT SHEET

Please include the School's Assignment Cover Sheet (a sample is attached at the back of this Outline) when submitting your assignments. This ensures that you have provided essential information. You may wish to have a front page of your own on your assignment, but the top sheet must be the School's Assignment Cover Sheet. Further copies can be found at the School's Administration office and also on the School's assignment box, on level 9 of Murphy building.

THE OUTLINE

You are required to submit an extended essay outline which is worth **10% of your final grade**. **Due date: 4pm, 9 August 2007**. The written outline should be **no more than two A4 pages in length** outlining the proposed topic for your extended essay. It should be on a topic of your choice, but obviously one which is related to the broad theme of the course. It should indicate the title and proposed structure of the paper and the main issues which will be canvassed. In your proposal you should also identify the principal books, journal articles and other sources of information on which your essay will be based.

It must be submitted in the following format:

- On A4 paper - please use one side of the paper only.
- Text to be either typed (preferably) or written by hand in black ink.

You should discuss your proposed topic with the lecturer/tutor as soon as possible. If you are unable to think of a suitable topic which interests you, please do not hesitate to come and discuss the matter with the Course Coordinator.

THE EXTENDED ESSAY

The essay is worth **50% of your final grade**. Your essay should not exceed **4,000 words** in length. **Due date: 4pm, 12 October 2007**. It is most important that you do not exceed the word limit. Students are advised that failure to keep to the word limits set for each assignment can result in examiners refusing to read that part of the essay which is in excess of the word limit. Students are advised that tutors and other Institute staff members are not allowed to comment or provide feedback on draft essays. It is possible, however, for students to discuss assignments in general terms.

Because of time limitations, it is highly unlikely that you will be able to undertake any detailed empirical research, (aside from issues of getting permission from the University Ethics Committee which is needed before such research can be undertaken) and we therefore require that you base the essay on secondary sources/library readings.

In assessing your extended essay, we will be looking for evidence of your ability to:

1. select an essay topic related to the course;
2. identify appropriate information sources;
3. utilise these sources to obtain relevant data;
4. structure an argument based on your findings;
5. present an extended essay which is:
 - I. coherent in argument;
 - II. well-articulated;
 - III. well-presented;
 - IV. adequately referenced; and which
 - V. demonstrates your ability to:
 - (i) locate your particular research findings within a wider context;
 - (ii) critically evaluate relevant literature;
 - (iii) summarise and analyse data;
 - (iv) present a suitable conclusion which, depending on your topic, either summarises the principal argument, makes policy recommendations, suggests directions for future research, or concludes your essay in some other appropriate way.

MANDATORY COURSE REQUIREMENTS

To be awarded terms, you must:

- submit an outline of the topic for your extended essay, not exceeding two A4 pages, to the School assignment box on level 9 Murphy, **no later than 4pm, 9 August 2007**,
- submit your extended essay **no later than 4pm, 12 October 2007**;
- Receive a mark of at least 40% for that extended essay.
- Receive a mark of at least 40% in the exam

EXTENSIONS

Assignments must be handed in **by the due date**. You are expected to keep to this deadline, as otherwise it is unfair to other students. Extensions will be granted only in exceptional circumstances, and should be sought from Professor John Pratt (course co-ordinator) **prior to the deadline**. An example of an exceptional circumstance would be illness supported by a letter from a medical practitioner. Please note that lack of organisation, word-processing failures and other work demands are not “good reasons”. Late submission of work without permission will be penalised by the following deductions:

One grade = period up to and including 24 hours past due date.

Two grades = period from 24 hours up to and including 72 hours past due date.

Work that is handed in later than 72 hours without permission will not be accepted.

WORKLOAD

Taking into account class attendance, reading for seminars, preparation of the outline, extended essay and so on, students are expected to spend approximately 16 hours per week working for CRIM 312. The reading list and other course requirements have been devised with this workload in mind.

SUBMITTING WORK THAT HAS BEEN SUBMITTED FOR ANOTHER COURSE

It is not acceptable for students to re-submit, in part or in whole, work that they have submitted for another course. If a student submits an essay which is textually the same, or partly the same, as that submitted for another course, then the Institute

reserves the right to not accept the essay in question, which may result in the student failing terms.

ACADEMIC INTEGRITY AND PLAGIARISM

Academic integrity is about honesty – put simply it means *no cheating*. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. The University defines plagiarism as follows:

The presentation of the work of another person or other persons as if it were one's own, whether intended or not. This includes published or unpublished work, material on the Internet and the work of other students or staff.

It is still plagiarism even if you re-structure the material or present it in your own style or words.

Note: It is however, perfectly acceptable to include the work of others as long as that is acknowledged by appropriate referencing.

Plagiarism is prohibited at Victoria and is not worth the risk. Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct and may be penalized severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning
- cancellation of your mark for an assessment or a fail grade for the course
- suspension from the course or the University.

Find out more about plagiarism, and how to avoid it, on the University's website:

www.vuw.ac.nz/home/studying/plagiarism.html

GENERAL UNIVERSITY POLICIES AND STATUTES

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the Victoria University Calendar available in hard copy or under 'About Victoria' on the VUW home page at www.vuw.ac.nz.

Student and Staff Conduct

The Statute on Student Conduct together with the Policy on Staff Conduct ensure that members of the University community are able to work, learn, study and participate in the academic and social aspects of the University's life in an atmosphere of safety and respect. The Statute on Student Conduct contains information on what conduct is prohibited and what steps are to be taken if there is a complaint. For information about complaint procedures under the Statute on Student Conduct, contact the Facilitator and Disputes Advisor or refer to the statute on the VUW policy website at: www.vuw.ac.nz/policy/studentconduct

The Policy on Staff Conduct can be found on the VUW website at:

www.vuw.ac.nz/policy/staffconduct

Academic Grievances

If you have any academic problems with your course you should talk to the tutor or lecturer concerned; class representatives may be able to help you in this. If you are not satisfied with the result of that meeting, see the Head of School or the relevant Associate Dean; VUWSA Education Coordinators are available to assist in this process. If, after trying the above channels, you are still unsatisfied, formal grievance procedures can be invoked. These are set out in the Academic Grievance Policy which is published on the VUW website at: www.vuw.ac.nz/policy/academicgrievances

Students with Impairments (see Appendix 3 of the Assessment Handbook)

The University has a policy of reasonable accommodation of the needs of students with disabilities. The policy aims to give students with disabilities the same opportunity as other students to demonstrate their abilities. If you have a disability, impairment or chronic medical condition (temporary, permanent or recurring) that may impact on your ability to participate, learn and/or achieve in lectures and tutorials or in meeting the course requirements, please contact the course coordinator as early in the course as possible. Alternatively, you may wish to approach a Student Adviser from Disability Support Services (DSS) to discuss your individual needs and the available options and support on a confidential basis. DSS are located on Level 1, Robert Stout Building, phone: 463-6070, email: disability@vuw.ac.nz

The School's liaison person for impairments is Dr Rhonda Shaw, she can be contacted on 463 6134, or by e-mail at rhonda.shaw@vuw.ac.nz

Student Support

Staff at Victoria want students to have positive learning experiences at the University. Each faculty has a designated staff member who can either help you directly if your academic progress is causing you concern, or quickly put you in contact with someone who can. In the Faculty of Humanities and Social Sciences the support contact is **Dr Stuart Brock, Murphy Building, Room 701**. Assistance for specific groups is also available from the Kaiwawao Māori, Manaaki Pihipihinga or Victoria International.

Manaaki Pihipihinga Programme

This programme offers:

- Academic mentoring for all Māori & Pacific students at all levels of undergraduate study for the faculties of Commerce & Administration and Humanities & Social sciences. Contact Manaaki-Pihipihinga-Programme@vuw.ac.nz or phone 463 6015 to register for Humanities & Social Science mentoring and 463 8977 to register for mentoring for Commerce and Administration courses
- Post graduate support network for the above faculties, which links students into all of the post grad activities and workshops on campus and networking opportunities
- Pacific Support Coordinator who can assist Pacific students with transitional issues, disseminate useful information and provide any assistance needed to help students achieve. Contact; Pacific-Support-Coord@vuw.ac.nz or phone 463 5842.

Manaaki Pihipihinga is located at: 14 Kelburn Parade, back court yard, Room 109 D (for Humanities mentoring & some first year commerce mentoring) or Room 210 level 2 west wing railway station Pipitea (commerce mentoring space). Māori Studies mentoring is done at the marae.

Student Services

In addition, the Student Services Group (email: student-services@vuw.ac.nz) is available to provide a variety of support and services. Find out more at: www.vuw.ac.nz/st_services/

VUWSA employs Education Coordinators who deal with academic problems and provide support, advice and advocacy services, as well as organising class representatives and faculty delegates. The Education Office (tel. 463-6983 or 463-6984, email at education@vuwsa.org.nz) is located on the ground floor, Student Union Building.

REFERENCING GUIDELINES

The following format for referencing is from the *Publication Manual* of the American Psychological Association (1990). We encourage you to learn and use the following format for referencing as part of the coursework done for the Institute of Criminology. The following examples are for the more common types of referencing which you will come across. However, if you need further information, please consult the latest edition of the Manual in the library.

1. Periodicals

(a) One author publication

Henderson, L.N. (1985), "The wrongs of victim's rights", Stanford Law Review, 38, 937- 1021.

- In text, use the following each time the work is cited: (Henderson, 1985).

(b) Two author publication

Hawkins, J. D., & Weis, J.G. (1985), "The social development model: An integrated approach to delinquency prevention", Journal of Primary Prevention, 6_2, 73-97.

- In text, use the following each time the work is cited: (Hawkins & Weis, 1985).

(c) Three or more author publication

Lang, A.R., Goeckner, D.J., Adesso, V.J., & Marlatt, G.A. (1975), "Effects of alcohol on aggression in male social drinkers", Journal of Abnormal Psychology, 84 (5), 508-518.

- In text, use the following the *first* time the work is cited: (Lang, Goeckner, Adesso & Marlatt, 1975), and everytime *after* this first citation as: (Lang et al., 1975).

(d) Journal article in press

Corcoran, D.L., & Williamson, E.M. (in press), "Unlearning learned helplessness", Journal of Personality and Social Psychology.

- In text, use the following each time the work is cited: (Corcoran & Williamson, in press).

(e) **Magazine article**

Reid, B. (1993, September 20), "Looking into a child's future", Time, pp. 34-40.

- In text, use the following each time the work is cited: (Reid, 1993).

(f) **Newspaper article, no author**

"Jail terms vary for bank robbers" (1992, November 7). Dominion, p. 3.

- In text, use a short title following each time the work is cited: For example ("Jail Terms," 1992) or (Dominion, 7.11.92).

2. Books

(a) **Reference to a one author book**

Pratt, J. (1992), Punishment in a Perfect Society, Wellington: Victoria University Press.

- In text, use the following each time the work is cited: (Pratt, 1992).

(b) **Reference to a two author book, second edition**

Downes, D. & Rock, P. (1982), Understanding Deviance (2nd ed), Oxford: Clarendon Press.

- In text, use the following each time the work is cited: (Downes & Rock, 1982).

(c) **Reference to a chapter in an edited book**

Ford, D.A. & Regoli, M.J. (1993), "The criminal prosecution of wife assaulters: Process, problems, and effects." in N.Z. Hilton (Ed.), Legal Responses to Wife Assault: Current Trends and Evaluation (pp. 127-164), California: Sage.

- In text, use the following each time the work is cited: (Ford & Regoli, 1993).

3. Research Reports

(a) **Government reports**

Ministerial Committee of Inquiry into Pornography (1989), Pornography, Wellington: Government Print.

- In text, use the following each time the work is cited: (Ministerial Committee of Inquiry into Pornography, 1989).

(b) Government Report, corporate author

Victims Task Force. (1993), Towards equality in criminal justice, Wellington: Victims Task Force.

- In text, use the following each time the work is cited: (Victims Task Force, 1993).

(c) Report available from Government Department, private author

Brown, M.M. (1992), Decision making in district prison boards, Wellington: Policy and Research Division, Department of Justice.

- In text, use the following each time the work is cited: (Brown, 1992).

(d) University research report

Deane, H. (1988), The social effects of imprisonment on male prisoners and their families (Study Series No. 2), Wellington: Victoria University of Wellington, Institute of Criminology.

- In text, use the following each time the work is cited: (Deane, 1988).

STUDENT NOTES

These student notes contain a full reading list for CRIM 312. They should be brought to the seminars where they are being discussed. The student notes also indicate the supplementary readings for the course, most of which are available on either three day loan or closed reserve in the main library.

WEEK 1 – THE SPECTACLE OF PUNISHMENT AND ITS DECLINE

Essential Reading

Laqueur, T. (1989), Course Materials Reading 1.
Pratt, J. (2002), Punishment and Civilization, Ch 2.

Supplementary Reading

Hood, R. (1989), The Death Penalty, pp. 117-158.
Gatrell, V. (1994), The Hanging Tree, Ch 3.
Newbold, G. (2007) The Problem of Prisons, Ch 11.

WEEK 2 – THE BIRTH OF THE PRISON

Essential Reading

McGowen, R. (1998), Course Materials Reading 2.
Pratt, J. (2002), Punishment and Civilization, Ch 3.

Supplementary Reading

Ignatieff, M. (1978), A Just Measure of Pain, Ch 3.
Brodie, A. et al (1999), The Prison Experience, Ch 1 & 2.

WEEK 3 – IMPRISONMENT TODAY

Essential Reading

Christie, N. (2002), Course Materials Reading 3
Department of Corrections (2000) Course Materials Reading 4.
Pratt, J. (2002), Punishment and Civilization, Ch 7.

Supplementary Reading

Pratt, J. (2003), "How Prison Became Acceptable", in Gilligan, G. and Pratt, J. (eds),
Crime, Truth and Justice. (Copy available in library on closed reserve.)
Bauman, Z. (1989), Modernity and the Holocaust, Ch 4.
Pratt, J. (2002), Punishment and Civilization, Ch 3 & 4.
King, R. (1999), "The rise and rise of supermax", Punishment and Society 1, pp. 163-186
Kurki, L. and Morris, N. (2001), "The Purpose, Practices and Problems of Supermax Prisons", Crime and Justice, 21, pp. 385-424.

WEEK 4 – PRISON CULTURE

Essential Reading

Sparks, R. et al (1996), Course Materials Reading 5.

Pratt, J. (2002), Punishment and Civilization, Ch 6.

Supplementary Reading

Goffman, E. (1984), Asylum, pp. 23-72. (Note: this is the Inmate World section and page numbers will differ from edition to edition).

Sykes, G. (1958), The Society of Captives.

For Prisoner Biographies, see, for example:

Boyle, J. (1977), A Sense of Freedom.

Probyn, W. (1977), Angel Face.

WEEK 5 – DANGEROUSNESS

Essential Reading

Pratt, J. (2001) Course Materials Reading 6.

Supplementary Reading

Pratt, J. (1995), "Dangerousness, Risk and Technologies of Power", Australian and New Zealand Journal of Criminology, 28, pp. 1-31.

Pratt, J. (1998), Governing the Dangerous, Ch 9.

Bottoms, A.E. (1977), "Reflections on the Renaissance of Dangerousness", Howard Journal of Penology and Crime Prevention, 16, pp. 70-96.

Meek, S. (1995), "The Revival of Prevention Detention in New Zealand 1986-93", Australian and New Zealand Journal of Criminology, pp. 225-258.

WEEK 6 – PAROLE

Essential Reading

Newspaper Articles on Graham Burton, Course Materials Reading 7

Law Commission (2006) Course Materials Reading 8

Supplementary Reading

Department of Corrections (2005) Parole Fact Sheet

Hood, R and Shute, S (2002) "The Parole System at Work" Home Office.

Hood, R and Shute, S (2002) "Sex Offenders Emerging from Long Term Imprisonment" British Journal of Criminology 42 pp. 371-394

Shute, S (2003) "The Development of Parole and the Role of Research in its Reform." in Ashworth, A and Zedner, L. (eds)

The Criminological Foundation of Penal Policy pp. 377-439

Simon, J (1993) Poor Discipline: Parole and the Social Control of the Underclass pp 138-168

Petersilia, J. (2003) When Prisoners Come Home: Parole and Prisoner Re-entry.

WEEK 7 – PUNISHMENT IN THE COMMUNITY

Essential Reading

Gibbs, A. and King, D. (2002) Course Materials Reading 9.

Supplementary Reading

Nellis, M. (2005), "Electronic Monitoring, Satellite Tracking and the new Punitiveness", in Pratt, J. et al (eds), The New Punitiveness, pp. 167-188.

Lilly, R. and Nellis, M. (2001), "Home Detention Curfew and the Future of Electronic Monitoring", Prison Service Journal, 135, p. 59-69. (Copy available in library on closed reserve.)

Mainprize, S. (1992), "Electric Monitoring in Corrections: Assessing Cost Effectiveness and the Potential for Widening the Net of Social Control", Canadian Journal of Criminology, pp. 161-180.

WEEK 8 – RESTORATIVE JUSTICE

Essential Reading

Daly, K. (2002), Course Materials Reading 10.

Supplementary Reading

Ashworth, A. (2002), "Responsibilities, Rights and Restorative Justice", British Journal of Criminology, 42, pp. 578-595.

Morris, A. and Maxwell, G. (1993) "Juvenile Justice in New Zealand: A new paradigm", Australia and New Zealand Journal of Criminology, 26, pp. 72-90.

Braithwaite, J. (1999), "Restorative Justice: Assessing optimistic and pessimistic accounts". In M. Tonry (ed.), Crime and Justice: A review of research, 25, pp.1-127.

WEEK 9 – PENAL POPULISM

Essential Reading

Pratt, J. and Clark, M. (2005) Course Materials Reading 11.

Pratt, J. (2006), Penal Populism Ch1

Supplementary Reading

Garland, D. (1996), "The Limits of the Sovereign State", British Journal of Criminology, 36, pp. 445-471.

Garland, D. (2001), The Culture of Control, Ch 8.

WEEK 10 – SENTENCING COMMISSIONS

Essential Reading

Law Commission (2006) Course Material Reading 12

Supplementary Reading

- M. Tonry (1995) "Sentencing Reform Across National Boundaries." In R. Morgan and C. Clarkson (eds), The Politics of Sentencing, pp 267-282.
- A. Doob (1995) "The US Sentencing Commission Guideline: If You Don't Know Where Your Going You Might Not Get There." In R. Morgan and C. Clarkson (eds), The Politics of Sentencing pp.199-250.
- A. Freiberg (2007) "The Victorian Sentencing Advisory Council: Incorporating Community Views onto the Sentencing Process." In K. Gelb and A. Freiberg (eds), Penal Populism, Sentencing Councils and Sentencing Policy. (Manuscript form).

WEEK 11 – PUBLIC OPINION AND PUNISHMENT

Essential Reading

Ministry of Justice (2003) Course Material Reading 13

Supplementary Reading

- Roberts, J. [et al.] (2002) Penal Populism and Public Opinion. pp. 93-106.
- Hough, M. (1996) "People Talking About Punishments" Howard Journal of Criminal Justice 35, pp. 191-214.
- Cullen, F. [et al.] (2000) "Public Opinion About Punishments and Correction Law and Society Review 34. pp. 1-79.
- Maruna, S. and King, A. (2004) "Public Opinion and Community Penalties." In Bottoms, A. E. [et al.] (eds) Alternatives to Prisons. pp. 83-112.

WEEK 12 – CONTEMPORARY PENAL POLITICS

Essential Reading

Pratt, J. (2007), Course Material Reading 14

Pratt, J. (2006) Penal Populism, Ch 5 & 6.

Supplementary Reading

- Indermaur, D. and Hough, M. (2002) "Strategies for Choosing Public Attitudes to Punishment." In Roberts, J. and Hough, M. (eds) Changing Attitudes to Punishment. Pp. 194-214
- Roberts, J (2002), [et al.] Penal Populism and Public Opinion. pp.160-186

Jacobson, M. (2005) Downsizing Prisons: How to Reduce Crime and End Mass Incarceration. pp. 173-214

Lawson, R. (2004) 'Difficult Time in Kentucky Corrections – Aftershock of a “tough on Crime” Philosophy' Kentucky Law Journal 93. pp. 305-376

TUTORIAL QUESTIONS

Tutorials begin in the second week of term.

1. The Spectacle of Punishment and its Decline

1. How would you differentiate between punishment in modern and pre-modern societies?
2. Why did the old system of punishment begin to change around the beginning of the 19th century?
3. Why did the death penalty disappear from the punishment system of most modern societies?
4. With what kind of society is the presence of the death penalty now associated?

2. The Appearance and Disappearance of the Prison

1. Where are prisons built today?
2. How do you explain the shifts in the location of prison buildings that took place during the 19th and 20th centuries?
3. Why were the gothic and classical prison architecture of the early 19th century replaced by the functional austerity design associated with later prison building?
4. Why are great pains now taken to hide prisoners from public view? Do you think they should be hidden?
5. If public opposition to prison building begins to decline, what is this telling us about the kind of society in which we are living?

3. Imprisonment Today

1. If prisons are so expensive and do not rehabilitate criminals, why have they come to be such an important sanction in modern democratic societies?
2. What has been the effect of the bureaucratic control rather than the public control of prisons?
3. Do you agree that the general public is “morally indifferent” to what happens in prisons? Explain.

4. What does make the public interested in prisons and prisoners?
5. How have prisons “relegitimated themselves”?
6. Are supermax prisons in any way justifiable?

4. Prisoner Culture

1. How does most of the public think prisoners spend their time?
2. What is meant by ‘the pains of imprisonment’?
3. Do all prisoners experience these?
4. How do prisoners go about surviving prison?
5. What are the advantages and disadvantages of the existence of prisoner culture for prisoners and the prison authorities?

5. Dangerous Offenders

1. What do you understand by the term “dangerousness” as it relates to penal affairs?
2. What is “preventive detention”?
3. Until recently, judges had been very reluctant to use sentences of preventive detention. Why was this?
4. What is meant by the concept “the renaissance of dangerousness”?
5. What are the dilemmas involved in assessing dangerous offenders for parole?

6. Parole

1. What are the various ways of obtaining early release from prison?
2. Do you think prisoners should be allowed parole?
3. What are the criteria for assessing parole eligibility?
4. What are the rules governing eligibility for parole as set out in the Parole Act 2002?
5. What are the Law Commissions proposals for parole reform and what are the reasons for this?

7. Punishment in the Community

1. How do you explain the growth of interest in community-based sanctions in the last two decades?
2. What are the advantages and disadvantages of electronic monitoring of offenders?
3. Why do prison populations continue to grow despite the availability of a large number of sanctions designed to act as alternatives to custody?
4. What does Cohen mean when he refers to the 'net-widening' potential of many community-based sanctions?

8. Restorative Justice

1. What do you understand by the term 'restorative justice'?
2. How would you summarise its strengths and weaknesses?
3. To what extent is it now being used for adult offenders in New Zealand?
4. Are there some criminals for whom restorative justice should never be offered as a way of resolving their 'conflicts'?

9. Penal Populism

1. What is meant by the concept 'Penal Populism'?
2. What do you understand by the term 'Axis of penal power'?
3. Why has New Zealand been particularly vulnerable to its influence?
4. What effect does the media have on people's attitudes to crime and punishment issues?
5. What impact has penal populism had on penal policy in New Zealand and elsewhere?

10. Sentencing Commissions

1. How do sentencing commissions work?
2. Why is sentencing not left to judges to decide?
3. What are the reasons for the proposals for a sentencing commission in New Zealand?
4. What sort of people should serve on sentencing commissions and why?
5. Do you see any disadvantage to sentencing commissions?

11. Public Opinion and Punishments

1. What opinion do the general public have about punishing the offenders?
2. What distinctions are there between their general views about punishment and their opinion regarding the punishments of individual offenders?
3. Are the general public as punitive as some politicians think they are?
4. How does the public opinion differ from public mood or sentiment?
5. To what extent should public opinion influence the development of penal policy?

12. Contemporary Penal Politics

1. What is penal populism's Achilles heel?
2. What, if any, are the limits to penal populism in a given jurisdiction?
3. Why has penal populism not been able to make impact in countries such as Canada, Germany and Finland?

4. Why is the New Zealand government attempting to limit populist influence through its Effective Intervention Strategy?
5. What were the two factors that led to this change in government policy?

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School of Social and Cultural Studies

Te Kura Mahinga Tangata

ANTHROPOLOGY

CRIMINOLOGY

SOCIOLOGY & SOCIAL POLICY

SOCIAL SCIENCE RESEARCH

Assignment Cover Sheet

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Full Name: _____

Student ID: _____ Course (eg ANTH101): _____

Tutorial Day: _____ Tutorial Time: _____

Tutor (if applicable): _____

Assignment Due Date: _____

CERTIFICATION OF AUTHENTICITY

I certify that this paper submitted for assessment is the result of my own work, except where otherwise acknowledged.

Signed: _____ Date: _____