Overview.- The criminal system surrounds us. We listen to the news and see that a person was sentenced to serve time in jail or to the death penalty. Our everyday life is full of encounters with criminal law: When we get on the bus we see cameras watching our behavior; we know that there are people who have been victims of police abuse; we constantly watch shows like *The Practice* or *NYPD* that portray the criminal system “from the inside”. Different situations are defined in different ways depending upon many factors like race, class, nationality. Crime and criminality are social construction and in this class we are going to see the ways in which this construction operates. But despite this constructed character there are situations that seemed to be in need of justice, like genocide, crimes against humanity, terrorism, etc. In this course we will discuss these problems and, after analyzing the concepts of law, crime and criminal, and international crimes, we will see how different social problems are dealt with by the criminal justice system.

Week 1. Introduction to the Class.

Jan. 26. Introduction to the Class.

Week 2. Law and Morality.

Jan. 31. Positivism and Unjust Regimes
Reading.

H.O. Pappe (WP)
*On the validity of judicial decisions in the Nazi era.*
The Modern Law Review vol. 23 No. 3 (1960)

Feb. 2. Legality v Justice
Reading.

D. Lasok (WP)
The Eichmann Trial
The International and Comparative Law Quarterly Vol. 11 No. 2 (1962)

Week 3. The definition of the Criminal

Feb. 7 The Dreyfus and Zola trials
Reading.

John T. Morse, Jr. (WP)
The Atlantic Monthly

Feb. 9 The Scottsboro boys case.
Reading.

Douglas O. Linder (WP)
The Atlantic Monthly

Feb. 14  Crime without criminals
Reading.

Elliot Currie (WP)
Crime without Criminals: Witchcraft and its control in Renaissance Europe
Law and Society Review (1968)

Feb. 16  Crime and Media
Reading.

Vincent Sacco (WP)
The media construction of crime

Week 5. Race and Crime

Feb. 21. President’s Day. No Class.

Feb. 23. Racial Disparities in the war on crime.
1st Quiz
Reading.

Robert Sampson & Janet Lauritsen (WP)
Racial and Ethnic disparities in crime and criminal justice in the United States
Crime and Justice 21 (1997)

Week 6. The Police.

Feb. 28. History of Urban Police
Reading.

Eric Monkkonen (WP)

March 2. Broken Windows as the Policing of Disorder
Reading.

Bernard Harcourt (WP)
Boston Review Apr/May 2002

Week 7. Police Abuse

March 7 How do people perceive the Police?
Reading.

Greg Shaw et al. (WP)
Trends: Crime, the police and civil liberties
The Public Opinion Quarterly (1998)

March 9 1st PAPER IS DUE

The Police and the Chicano Movement
Reading.
Edward Escobar (WP)
The Dialectics of Repression: the Los Angeles Police Department and the Chicano Movement 1968-1971

Week 8. Spring Break.
March 14. No Class
March 16. No Class

Week 9. The Adversarial Process
March 21 2nd quiz
The Decision to Prosecute
Reading.
George F. Cole (WP)
The Decision to Prosecute
Law and Society Review (1970)

March 23 Law as a confidence game
Reading.
Abraham S. Blumberg (WP)
The Practice of Law as a confidence game
Law and Society Review (1967)

Week 10. The Prison
March 28 The History of the Prison
Reading.
Nicole Hahn Rafter (WP)
Gender, Prisons, and Prison History
Social Science History (1985)

March 30 The Prison Industrial Complex
Reading.
Corporations go to prison: the expansion of Corporate Power in the Correctional Industry. (WP)

Week 11. Death Penalty
April 4 The death penalty and the new abolitionist politics
Reading.
Austin Sarat. (WP)
Recapturing the spirit of Furman: The American Bar Association and the new abolitionist politics.
April 6. The end of the 8th Amendment
Reading.

John Dayan (WP)
Cruel and Unusual: the end of the 8th Amendment
Boston Review Oct/Nov. 2004

Week 12. Crime, Terror, and Civil Liberties

April 11. Terrorism in Europe: the Spanish case.
Reading.

William Sheppard (WP)
The ETA: Spain fights Europe’s last active terrorist group
Mediterranean Quarterky (2002)

April 13. Security and Civil Liberties
Reading.

Abbot Gleason (WP)
The Hard Road to Fascism
Boston Review Summer 2003

David Cole (WP)
Their Liberties Our Security

Week 13. Crime as an enterprise

April 18. Patriot’s Day. No Class.

April 20 Trafficking Cocaine
Reading.

Damian Zaitch (Reserve)
Flexible Affairs

April 21 (Monday Schedule). Criminal groups and markets
Reading.

Gerben Bruinsma Wim Bernasco (WP)
Criminal Groups and transnational illegal markets

Week 14. Crime in transition

April 25 Paramilitaries forces and crime
Reading.

Fernando Cubides. (Reserve)
From private to public violence: the paramilitaries
April 27  Crime in transitional societies
   Reading.
   Mark Shaw (WP)
   Crime, police, and public in transitional societies
   Transformation 49 (2002)

Week 15. International Criminal Justice

May 2  The road to Rome
   Reading.
   M. Cherif Bassiouni (WP)
   From Versailles to Rwanda in Seventy Five Years: The need to establish a permanent International
   Criminal Court .

May 4  Genocide in the 20th Century
   Reading.
   Mark Levene (WP)
   Why is the 20th Century the Century of Genocide?

Week 16. Globalization of Criminal Law

May 9. 2nd PAPER IS DUE
   Global, Transnational, International?
   Reading.
   Anne Marie Slaughter (Reserve)
   Judges: Constructing a Global Legal System
   In A New World Order (2004)

May 11. 3rd Quiz.

Grading.

1. You have to write a reaction paper to any of the topics of the class. However, to do so, you have to read the
   article, present the main argument and then defend your own position on the topic. You have to provide current
   information that supports your argument. Your personal opinion is not enough to support your position. THIS
   PAPER IS DUE ON MARCH 9th.

2. There will be two (2) quizzes that will cover the material of the course until the day of the class in which the quiz
   will take place.

3. You have to write a collective paper with four of your classmates. I will distribute a hand out with the bases of
   this paper.

4. Participation is very important in this class. Come prepare to discuss and participate in every class.

5. Extra-credit assignments will be allowed depending on your participation and interest in the class.
The final grade will be calculated in the following way:

1. Reaction Paper  30%
2. Collective Paper  30%
3. Quizzes  20%
4. Participation  20%

The readings of the class will be on electronic reserve. For those on Reserve the password is crime (in lower case). Those on the webpage go to http://www.umass.edu/legal/Benavides/index.htm and look for the readings of this class.