In this course we will study different aspects of the Criminal Justice System, focusing on contemporary problems in the American Criminal Justice System as well as in international law. From an analysis of the concept of law, through a study of the idea of crime and criminals, to a study of international justice and international crimes, we will analyze how crime and criminals are socially constructed concepts, as well as the role society plays in this process. We will see that race, class, nationality, and gender are elements to take into account when we analyze questions like crime, death penalty and prison.

In spite of the constructed character of crime, we will see that there are some conducts that, while being a construct, like genocide or crimes against humanity, affect rights in a way other crimes do not. Throughout this course we will study this type of crimes and how they are the result of a long political process.

Make sure you understand the requirements of this course. If you are not a hard worker, this is certainly not a class for you. In order to learn more about all the topics of the course, we will read a number of articles, academic and non academic, and I expect you to be prepared to discuss them in class. Feel free to come to my office hours to discuss any topic related to the readings and class in general.

Readings

All the readings for this class are posted on the web. I expect you to download and print them and bring them to class. Make sure you have read the materials before coming to class; otherwise you are not going to be an active member of this community.

Class Participation

A small part of the class will be lecture, but most of the times you will be asked to intervene with your ideas and opinions. If you have not read the materials or if you are unwilling to intervene in class, it will affect your participation grade. You should come to class prepared to ask questions about what you have read, to evaluate the material, and to express your own reasoned views on controversial issues. Your participation should demonstrate that you have carefully read the material and thought about its implications.

Remember that you are reading academic texts that are the result of research. Read the authors critically, do not accept everything they say just because it is in accord with your personal opinion,
but do not reject them because they do not share your views on one particular topic. Feel free to say whatever you think, but do it in a respectful and rational manner. Expect to be part of a community of discussion and bring arguments to support your views. **Participation in class will be worth 15% of your final grade.** If you do not come to class you cannot participate, **no matter the reason for your absence you cannot make up participation in class.** If you find it difficult to get a word in or if you are not used to participating, talk to the instructor. If you tend to talk a lot, remember to give others a chance. Participation is important, **but quantity is less important than quality. Regular attendance with minimal participation will not be considered participation at all.** If you cannot come regularly, this is not a class for you.

**During the class I will ask a question related to the readings. You have to fill a file card AND answer correctly the question in order to get the credit for participation in that session.** You need to bring a file card for every class in order to be ready to answer the question related to the readings.

**Repeated absence (10% of the total) lowers your participation grade.**

**Frequent absence can result in a failing grade for the course, regardless of your performance on other assignments.**

**WebCT Participation**

We will use the WebCT. In order to use this tool you need to have an OIT account. I will ask a question on the web board and I expect people to answer it. **I will not consider participation on the Web that is done after the session the reading will be analyzed.** Check WebCT regularly. This means that you cannot wait until the end of the course to participate on the web. Remember that what matters is quality and not quantity. Comments that are unrelated to the class or that do not reflect a thoughtful reading of the texts will not be taken into account.

**Paper**

For the paper I will ask you a question that involves a careful analysis of at least five readings of this class. You need to answer the question and not just give your personal opinion. However, you have to write it as a paper where you are demonstrating a point based on the analysis of the readings. These are some guidelines for the paper. More detailed rules will be distributed by the third week of this course.

1. You must write 5 double spaced pages. Font 12.
2. You need to state your thesis at the beginning of the paper. It could be something like this:

   “In this paper I want to evaluate the argument that crime is negatively correlated with social class”.

3. You have to show arguments in favor of your position. For example:

   “According to some authors (Lineker, 1986; Rossi, 1982; Do Nascimento, 1970), race plays a role in the selection of people by the criminal system because…….”
4. You have to show arguments against your position. For example:

“Other authors (Yashin, 1962; Zoff, 1982; Leao, 1978; Goycochea, 1990) argue that race does not play a role. They show this when they say…..

5. You have to criticize both points of view:

“Lineker’s analysis is flawed because….but in any case he makes a strong case because…..On the other hand, Goycochea’s study of race in a small town of River Plate is not as representative of all studies of race because…..

6. Based on this analysis you have to reach a conclusion, stating clearly whether your argument has been proven or not.

7. You can use the readings for the class, other readings, and statistics from the Department of Justice. At the end of the paper you have to present the bibliography you used for your paper.

8. The paper is due **ON WEDNESDAY APRIL 26th**. I will collect them at the beginning of class. Those students that do not hand in their paper at the beginning of that class will lose 3 points out of 20 in their final grade. Those who do not hand in their paper by 5:00 p.m. of that day will have a **zero grade** in this paper.

**DO NOT EMAIL YOUR PAPER OR LEAVE IT IN MY MAIL BOX. I WILL ONLY GRADE THOSE PAPERS THAT WERE HANDED IN DURING THE CLASS OR WERE GIVEN TO ME IN MY OFFICE BEFORE 5:00 P.M. OF APRIL 26th**

**Exam**

There will be three quizzes that will examine your understanding of the materials for this class. Each quiz is worth 10% of the final grade. The primary focus is analysis, not memorization. We will discuss details and possible exam formats in class.

**Presentation**

Each student is in charge of leading the discussion in one of the sessions of this semester. You have to read the material for that class plus additional readings I will give you when we meet to discuss your presentation. You are not allowed to lead the discussion without talking with me first and without giving me a short paper (4 pages) where you summarize your presentation and your analysis of the readings used for that session. **Your final paper has to be based on a different topic from the one used for your presentation.** The presentation and the short paper are worth 20% of your final grade.
Grading

1. Three quizzes that will cover the materials of the class: 30%
2. Participation 15%
3. WebCT Participation 15%
4. Paper 20%
5. Presentation 20%

Course Outline

Session 1. Introduction.

Wednesday February 1\textsuperscript{st}.

Introduction to the course. Discussion about the concept of Law. What is law? What is the myth of law? How is this related to our ideas of crime and the criminal?

Session 2. Law and Morality.

In this session we will analyze in detail some theories of law. After this, you should be able to discuss about the question of morality of the law or if morality and law are separate fields. We will discuss different theories about the relationship between morality and legality. We will try and answer the question about this relation: Should legality predominate over morality? The articles will give you a sense of the discussion on this topic.

Monday February 6\textsuperscript{th}. Film.

Wednesday February 8\textsuperscript{th}. Discussion on the following text:


Session 3. What is crime?

In this session we will see the concept of crime. We have some idea of why some people are defined as criminals. But, what about crime? Why some acts are defined as crimes? What is the difference between homicide and robbery or fraud? Why are those acts defined as crimes? We will analyze different theories about crime. We will see how current theories see crime as a social construction that is connected to ideology and class struggle.
Monday February 13th. Discussion on the following text:


Wednesday February 15th. Discussion on the following text:


**Session 4. Who is a criminal?**

So far we have talked about law and morality. But criminal law is about crime and criminals. In this session we will see that the idea of the criminal is the result of a social construction. Before reading the texts, please write down what you think about it. Who is a criminal? Compare it with the theories that will be presented in class and tell us on line which one is closer to your understanding of the criminal and why.

Monday February 20th. President’s Day.

Tuesday February 21st Film

Wednesday February 22nd. Discussion on the following text:


**Session 5. The Victim in the Criminal Justice System.**

One of the most important actors in the Criminal Justice System is the Victim. What are their rights? How have they changed the way we understand the system? Do they have a say in the punishment? In this class we will analyze these topics and we will see how the criminal justice system has been engendered, this is, how women are victims of crime and the system. We will analyze date rape and the different approaches to this problem.

Monday February 27th. Film.
Wednesday March 1st. Discussion on the following text:

**1st Quiz.**


**Session 6. Electronic Surveillance and Civil Liberties.**

In this session we will analyze crime control through the use of electronic mechanisms. We will see whether this violates our right to privacy and what we can do to prevent this kind of interventions in our lives.

Monday March 6th. Film.

Wednesday March 8th. Discussion on the following text:


**Session 7. The Police and Quality of Life Policies**

In this session we will study the concept of Zero Tolerance and the policies of Quality of Life that are currently applied in New York. Are these good policies? Are they effective? Do they violate people's civil rights? We will analyze the idea of private policing and its effects in protecting people in a pos 9/11 world.

Monday March 13th. Discussion on the following texts:


Wednesday March 15th NO CLASS.

**Session 8. The Prison**

In this class we will analyze one of the ways in which the Criminal Justice System punishes those persons that commit crimes. What is the purpose of the prison? Has it been always like that? Why do we have so many people in prison? Does the prison deter? Why or why not?

Monday March 27th. Discussion on the following text:

Wednesday March 29th. Discussion on the following text:


Session 9. The Death Penalty.

In this session we will analyze the principles that rule the death penalty. To do so, we will analyze some Supreme Court cases and its arguments. We will focus on moral, pragmatic, and constitutional arguments to determine the validity of this kind of punishment.

Monday April 3rd. Discussion on the following texts:

Furman v Georgia 408 U.S. 238 (1972)

Gregg v Georgia 428 U.S. 153 (1976)

Wednesday April 5th. Discussion on the following texts:

McCleskey v Kemp 481 U.S. 279 (1987)

Roper v Simmons 000 U.S. 03-363 (2005)

Austin Sarat.

Session 10. War on Drugs.

Drugs are perhaps one of the most important problems in the United States. The increase in the population in prison is the result of the war on drugs. Why do you think drugs are prohibited in the United States? In this class we will examine the history of the drug problem, as well as the debate around prohibition. We will also see the American intervention in the Andean region, especially with Plan Colombia.

Monday April 10th. Film.

Wednesday April 12th. Discussion on the following text:

2nd Quiz
Session 11. War on Terrorism and Our civil Liberties.

Monday April 17th. Patriot’s Day

Wednesday April 19th. Film.

Session 12. War on Terrorism and Civil Liberties.

Monday April 24th


Wednesday April 26th

PAPER DUE TODAY APRIL 26th


Session 13. International Criminal Law

So far we have analyzed National Justice. In the last three sessions we will focus on one of the aspects of the globalization of criminal law. The role of the United States has been very important, be it to support the process or to impede it. In this class we will see the history of International Justice from the Leipzig Tribunal to Rwanda and other Tribunals. Think about the role of the US in this process. When you read about the ICC, think about the importance of international law and whether the US should support this process or not. Think also about the need to have the US in the process and if the US has an obligation to be involved or not.

Monday May 1st. Discussion on the following text:

M. Cherif Bassiouni

Wednesday May 3rd. Discussion on the following text:

Session 14th. International Crimes.

In this session we will talk about the crime of genocide and the crime of aggression. These are two crimes that have affected people's lives during the 20th century. We will see what it means to fight a just war, what is genocide, the legal definition, etc. The articles will discuss the genocide in Rwanda and what the international community could have done to prevent it.

Monday May 8th. Discussion on the following text:


Wednesday May 10th. Discussion on the following text:

William Schabas. 
The Road to Genocide. 

Session 15th. Crimes Against Humanity and the Pinochet Case.

This is the last class of this course. We have analyzed national justice, its flaws and history. We have seen international justice and its history. The case of Augusto Pinochet is very important because it shows the limits of national justice and the possibilities of international justice. In this class we will see the concept and history of crimes against humanity and the Pinochet case. At the end of the class you should be able to determine what happened in Chile and why Pinochet is being tried.

Monday May 15th. Discussion on the following text:

Reading.
Richard Wilson

Wednesday May 17th Final Class.

Third Quiz.