

# DeCriminalisation – An Intersectional Perspective

Spring 2022

## General information

Teachers	E-mail	Office hours
Dr. Agata Dziuban	agata.dziuban@uj.edu.pl	Online by appointment
Dr. Justyna Struzik	justyna.struzik@uj.edu.pl	Online by appointment

## Description

Social science and humanities scholars have been documenting an enhanced turn to criminalisation in the European region and globally. This trend is characterised by growing support for the application of criminal law, crime control measures and legal vocabularies in many spheres of social life. The aim of this course is an in-depth, intersectional analysis of the contemporary processes of criminalisation. During the class, students will have a chance to explore different theoretical perspectives and academic debates on criminalisation, and broader mechanisms of juridification, in democratic societies. While grasping criminalisation as a mode of democratic governance, this class will offer a possibility to ask about the roots, contexts, historical manifestations and impact of increased reliance on criminal law in managing society and citizenship-state relations. It will also allow to inquire the different ways in which criminalised individuals and groups navigate, negotiate, contest and resist criminalisation, and claim their rights. Within the framework of this class, we will ask, specifically, how and with what consequences criminal laws are being used in the field of migration, sexuality and reproduction, drug use, labour, health, and poverty. Furthermore, entanglements of criminalisation with gender, class, race, sexuality, citizen and health status will be discussed.

## Classroom Decorum

As this class largely consists of dialogue and group discussion, please respect the work and opinions of your classmates.

- When classes will be held online, please keep your camera on, if possible.
- Your attendance at each class meeting is expected. We expect your active participation in discussions. You are allowed to miss 2 classes, in case of additional absences you would need to consult with dr Dziuban and dr Struzik.
- Listen to each other, give feedback to others, avoid discriminatory and judgemental language.
- Sensitive topics may arise. Be open-minded, respectful and allow conversation to progress.

## Assignments

Students will be graded on their work on:

- Attendance and active participation in classes (20% of the grade);
- Essay on a chosen topic (case study of criminalisation in a selected field) - please consult your topic by May 20th 2022 (40% of the grade).
  - Editorial requirements  
12 Times New Roman, 1,5 space, 2,5 margins; 8 pages plus bibliography (please do not quote Wikipedia as an academic source)

Language: please use British or American English consistently in your essay.

For references, please use APA style, 7th edition (please follow the guidelines:

<https://apastyle.apa.org/style-grammar-guidelines/references/examples>)

- Oral exam, during which we will discuss your paper based on feedback provided by dr Dziuban or/and dr Struzik prior to the exam (40% of the grade).

## Readings and additional resources

### Required literature

Literature for each class will be posted on MS TEAMS in the channel dedicated to the class (tab: Files, folder: Literature).

### Course Schedule (tentative)

Week	Date	Topic	Readings (might be updated as the classes progress)
Week 1	March 1	Introduction to the class	Read syllabus
Week 2	March 8	Will to Punish	Lancaster / Comaroff & Comaroff
Week 3	March 15	Criminalisation Turn	Garland
Week 4	March 22	Intersectionality and Crime	Potter
Week 5	March 29	Policing Order	Garriot
Week 6	April 5	Against Innocence	Wang
Week 7	April 12	War on Drugs is the War on People	Malinowska-Sempruch / Zigon
Week 8	April 26	Criminalised Sex	Mac & Smith / Wagenaar
Week 9	May 10	(Il)legalities of Abortion	Chełstowska / Mecinska et al.
Week 10	May 17	Crimmigration	De Genova & Roy
Week 11	May 24	Banning Queer Lives	Gledhill / Kondakov
Week 12	May 31	Policing the Pandemic	Agamben / Luscombe & McClelland / Hoppe
Week 13	June 7	Futurities of Prison	Davis / Whalley & Hackett
Week 14	June 14	Criminalisation of...	

### Literature:

Agamben G. (2020) Biosecurity and Politics. Available at: <https://d-dean.medium.com/biosecurity-and-politics-giorgio-agamben-396f9ab3b6f4>

Chełstowska, A. (2011) Stigmatisation and commercialisation of abortion services in Poland: turning sin into gold, *Reproductive Health Matters* 9(37): 98-106.

- Comaroff, J., Comaroff, J. (2016) *The Truth about Crime: Sovereignty, Knowledge, Social Order*, Chicago: Chicago University Press, pp. 5-9.
- Cuttitta, P. (2018) Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean, *GEOPOLITICS* 23(3): 632-660.
- Davis, A. (2003) 'Introduction: Prison Reform or Prison Abolition?; Are Prisons Obsolete?' New York: Seven Stories Press, pp. 9-21.
- de Genova, N., Roy, A. (2020) Practices of Illegalisation. *Antipode* 52(2): 352-364.
- Garriott, W. (2013) Police in Practice: Policing and the Project of Contemporary Governance, in: W. Garriott (ed.) *Policing and Contemporary Governance. The Anthropology of Police in Practice*, London: Palgrave Macmillan, pp. 1-28.
- Garland, D. (2001) *The Culture of Control. Crime and Social Order in Contemporary Society*, Oxford: Oxford University Press, pp. 6-20.
- Gledhill, C. (2014) Queering State Crime Theory: The State, Civil Society and Marginalization. *Critical Criminology* 22, 127-138. <https://doi.org/10.1007/s10612-013-9229-9>
- Hoppe, T. (2018) *Punishing Disease. HIV and the Criminalization of Sickness*, Oakland: University of California Press.
- Kondakov, A. (2019) The Censorship "Propaganda" Legislation in Russia. In: L. Ramon Mendos, *State-Sponsored Homophobia 2019*, pp. 213-215. Geneva: ILGA.
- Lancaster, R. (2012) Punishment, in: D. Fassin, *A Companion to Moral Anthropology*, Malden: Wiley-Blackwell, pp. 519-539.
- Luscombe, A., McClelland, A. (2020) Policing the Pandemic Mapping Project: Tracking the policing of COVID-19 across Canada, white paper.
- Malinowska-Sempruch K. (2016) Shaping drug policy in Poland, *International Journal of Drug Policy* 31: 32-38. doi: 10.1016/j.drugpo.2016.02.018. Epub 2016 Feb 27. PMID: 27140431.
- Mecinska L., C. James & K. Mukungu (2020) Criminalization of Women Accessing Abortion and Enforced Mobility within the European Union and the United Kingdom, *Women & Criminal Justice*, DOI: 10.1080/08974454.2020.1758868
- Potter, H. (2013) Intersectional Criminology: Interrogating Identity and Power in Criminological Research and Theory, *Critical Criminology* 21: 305-318.
- Wagenaar, H. (2017) Why Prostitution Policy (Usually) Fails And What To Do About It, *Social Sciences*, 6, 43; doi:10.3390/socsci6020043.
- Wang, J. (2018) Against Innocence: Race, Gender, and the Politics of Safety, in: J. Wang, *Carceral Capitalism. Semiotext(e)* 21, pp. 260-295.
- Whalley E. & Hackett C. (2017) Carceral Feminisms: the Abolitionist Project and Undoing Dominant Feminisms, *Contemporary Justice Review*.
- Zigon J. (2018) *A War on People. Drug User Politics and a New Ethics of Community*. University of California Press.

#### **Additional literature:**

- Comaroff, J., Comaroff, J. (2016) *The Truth about Crime: Sovereignty, Knowledge, Social Order*, Chicago: Chicago University Press.
- DeGenova, N.P. (2002) Migrant "Illegality" and Deportability in Everyday Life. *Annual Review of Anthropology* 31(1): 419-447.
- DeGenova, N.P. (2017) The Borders of "Europe": Autonomy of Migration, Tactics of Bordering, Duke

University Press Books.

Fassin, D. (2018) *The Will to Punish*, Oxford: Oxford University Press.

Fassin, D. (2013) *Enforcing Order: An Ethnography of Urban Policing*, Cambridge: Polity Press.

HIV Justice Network (2019) *Advancing HIV Justice 3: Growing the global movement against HIV criminalisation*, online resource.

Mitsilegas, V. (2015) *The Criminalisation of Migration in Europe. Challenges for Human Rights and the Rule of Law*, Heidelberg: Springer International Publishing.

Potter, H. (2015) *Intersectionality and Criminology. Disrupting and revolutionizing studies of crime*, Routledge.

Simon, J. (2007) *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*, Oxford: Oxford University Press.

Wacquant, L. (2009) *Punishing the Poor The Neoliberal Government of Social Insecurity*, Durham: Duke University Press.

Vitale, A. (2018) *The End of Policing*, London: Verso.

Wacquant, L. (2008) *Ordering Insecurity: Social Polarization and the Punitive Upsurge*, *Radical Philosophy Review* 11(1): 9-27.