COMPARATIVE CRIMINAL PUNISHMENT (credits 6) [second semester]
Prof.ssa Sandra Lynn Babcock
Visiting Professor - Cornell Law School (U.S.A.)
Prof. Gian Luigi Gatta
Department of Law “C. Beccaria”
Prof. Joseph Margulies
Visiting Professor - Cornell Law School (U.S.A.)

Aims of the course and expected learning outcomes
The comparative law course is devoted to the study of the principles and practice of criminal law in Italy and the United States. The course will also examine the application of the death penalty around the world. The course will be held in English. Specifically, the course will provide students with: - knowledge of general principles of criminal law and their application in practice; - understanding of the differences in criminal law systems in Italy and the United States; -ability to effectively communicate and discuss in English topics relating to criminal justice policy, Italian criminal law, and the death penalty; - ability to apply the comparative method, in consideration of the divergences and convergences of Italian and U.S. legal traditions.

Prerequisites (Propaedeutic Exams)
In order to take the exam, students must have already successfully passed the exam of criminal law (‘diritto penale’ - the intermediate exam, taken during the winter term, is enough). Exceptionally, students who have not already passed the abovementioned exam may be allowed to attend the course and take the exam afterward (ask the Professor during the first week of the course). Erasmus and international students do not have to meet any of these prerequisites.

Course contents
The first section (held by Prof. Margulies) will focus on the U.S. criminal justice system. The United States grossly misuses the criminal justice system, and as a result, now has more people in prison and far more people under some form of custodial supervision than any other country in the world. We will address both the causes and consequences of mass incarceration in the United States, and discuss some of the proposed solutions.

The second section of the course (held by Prof. Babcock) will focus on the application of the death penalty worldwide. We will examine international human rights treaties restricting the application of the death penalty, and how they have been interpreted by human rights bodies and applied in national courts. We will also study judicial decisions restricting or abolishing the death penalty from a range of countries, including South Africa, the United States, India, Uganda, and the Commonwealth Caribbean. Finally, we will address the worldwide phenomenon of wrongful convictions, the prevalence of mental illnesses and intellectual disabilities among people on death row, and the inhumane conditions of confinement that prevail in every country that retains the death penalty.

The third section of the course ((held by Prof. Gatta) will compare the U.S. system to the European situation, with particular regard to both the mass incarceration problem and the death penalty problem. On the one side, prison overcrowding has been and still is a major issue in Europe and in Italy too. We will focus on the ECHR’s judgments in which Italy has been involved and convicted for the situation of its detention centers and, more broadly, on the topic of individual human rights in prison. On the other side, we will focus on the forms of extreme punishment still applied in the
European experience, even though the death penalty has been now abolished in the area of the EU. In this respect, we will focus on penalties such as life imprisonment without parole (e.g. ‘ergastolo ostativo’ in Italy). Finally, we will examine the phenomenon known as ‘crimmigration’: the repression of illegal immigration by means of criminal law and criminal law-tools, such as immigration detention centers. We will focus on the consequence of this new trend on both individual human rights and the disproportionate resort to incarceration.

Didactic Methods
The course consists of 42 hours of lectures. A certain number of hours will be devoted to introductory lessons given by the Professor. The rest will be left to the discussion of specific cases, oral arguments on specific topics and discussion of legal documents.

Bibliography (Material useful for the preparation of the exam)
The course materials – regarding each class – will be uploaded to the Ariel website of the course (www.ariel.unimi.it).

Exam
The exam can be taken by students attending at least 16 classes. The exam will be held in English and will consist of a written test on the topics discussed during the course.

Other useful information
The website of the course is available on Ariel (www.ariel.unimi.it). Username and password are those of unimi webmail (name.surname@studenti.unimi.it). Students may find there further information, materials and updates concerning the course.
Faculty office hours Professor Gatta receives students at the Department of Law “C. Beccaria”, on Monday afternoons (2.30 p.m.).

Class Schedule
Prof. Joseph Margulies
Prof.ssa Sandra Babcock
Prof. Gian Luigi Gatta

February
27 Tue (4.30, room 201)
28 Wed (10.30, room 410)

March
1 Thu (12.30, room 201)
5 Mon (10.30, room 201)
6 Tue (4.30, room 201)
7 Wed (10.30, room 410)
8 Thu (12.30, room 201)
13 Tue (4.30, room 201)
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14 Wed (10.30, room 410)
15 Thu (12.30, room 201)
20 Tue (4.30, room 201)
21 Wed (10.30, room 410)
22 Thu (12.30, room 201)
26 Mon (10.30, room 201)
27 Tue (4.30, room 201)
28 Wed (10.30, room 410)
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April
Tue 10 (4.30, room 201)
Tue 17 (4.30, room 201)

May
Tue 8 (4.30, room 201)
Tue 15 (4.30, room 201)
Mon 21 (10.30, room 201)