

**Carleton University • Department of Law and Legal Studies**  
**LAW3308: Law, Punishment & Social**

Professor Leah DeVellis

Lecture: Wednesday 6 – 8pm, Tory 240

Tutorial: Wednesday 8-9pm, Tory 213 & Tory 240

Office Hours: Thursday 10am – 1pm, Loeb B442

---

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at **613-520-6608** or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable). For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

---

### **Course Description**

This course explores justifications and practices of punishment and social control by drawing on criminological, sociological, and legal perspectives. Theories and substantive topics will be explored in order to critically interrogate questions such as: Why do we punish? How do we punish? What are the purposes of punishment?

### **Course Structure**

**Course Material:** Course reader available at **Octopus Books**, 116 Third Avenue, 613-233-2589

**Lectures:** Lectures will take place Wednesday 6 – 9pm in Tory 240. The 3<sup>rd</sup> hour of class will involve a tutorial. Each lecture will include material from the readings, supplementary readings, videos, class discussion, and learning activities. Lecture attendance accounts for 10% of students' final grade.

**Tutorials:** Tutorials will take place in the 3<sup>rd</sup> hour of the lecture, 8 – 9pm. There will be 10 tutorials, taking place each week from September 19<sup>th</sup> – November 21<sup>st</sup>. The class will be split into two groups, and each group will attend tutorial each week with either myself or the TA. Each tutorial will include learning activities that require students to work together in groups to discuss case studies, current news issues, or reports. Students will be encouraged to critique material and present ideas and questions to the rest of the tutorial group. Tutorials will also be an opportunity to discuss class materials and ask questions. Participation in tutorials account for 10% of students' final grade. Participation marks are earned by attending and actively participating in discussion/activities.

Tutorial Group 1: Last names A – L (Tory 240)

Tutorial Group 2: Last names M – Z (Tory 213)

**Assignments (45%)**

Assignments will require students to answer questions and provide a critical discussion with reference to course material (lectures, readings, videos, tutorial material etc.). Students must reference all their work using APA, MLA, or Chicago referencing formats (see WebCT for resources). Assignments will be distributed in class and students will have one week to complete and submit their work. Assignments must be submitted in person at the beginning of class.

Assignment #1 (20%) – Distributed October 10<sup>th</sup> / Due October 17<sup>th</sup>

Assignment #2 (25%) – Distributed November 7<sup>st</sup> / Due November 14<sup>th</sup>

**Final Take-Home Exam (35%)**

The final take-home exam will cover ALL course material including lectures, tutorials, and assigned readings. The format will include short answer and essay questions. Students will be assigned questions and given two weeks to complete the assignment.

**Submitting Assignments:** All assignments are mandatory. Assignments are to be submitted in person at the beginning of class. Students may NOT submit assignments via email. Late assignments will be penalized 10% per day (including weekends). Students may NOT submit late work if the assignment has been returned to students in class. All assignments and the final exam are mandatory. Failure to submit an assignment or the final exam will result in an incomplete designation and failure in the course.

**Evaluation**

<b>Lecture Attendance</b>	<b>10%</b>
<b>Tutorial Participation</b>	<b>10%</b>
<b>Assignment 1</b>	<b>20%</b>
<b>Assignment 2</b>	<b>25%</b>
<b>Final Take Home Exam</b>	<b>35%</b>

**Lecture Content & Assigned Readings****September 12<sup>th</sup>: Course Introduction**

- Orientation to the course
- Tutorial Groups
- *What is punishment? How do we punish?*

**September 19<sup>th</sup>: How to Study Punishment**

Garland, David. (1991). *The Sociology of Punishment and Punishing Today*. Punishment and Modern Society. Chicago: University of Chicago Press.

**September 26<sup>th</sup>: Denunciation, Retribution**

Lacey, Nicola. (1988). *The Traditional Justifications*. State Punishment: Political Principles and Community Values. 16 - 27

Garland, David. (1991). *Punishment and Social Solidarity*. Punishment and Modern Society.

**October 3: Deterrence, Incapacitation & the Right to Punish**

Beccaria, Cesare (1738). *On Crimes and Punishments* in Grupp (Ed). Theories of Punishment.

Mill, John Stuart. (1791). *Utilitarianism*. In Gray (Ed.) *On Liberty and Other Essays*.

Lacey, Nicola. (1998). *The Question of Legal Obligation*. State Punishment: Political Principles and Community Values. New York: Routledge.

**October 10<sup>th</sup>: Rehabilitation**

Duguid, Stephen. (2000). *The Origins of Curing Crime and Similar Popular Delusions*. Can Prisons Work? The Prisoner as Object and Subject in Modern Corrections. Toronto: University of Toronto Press.

Moore, Dawn and Kelly Hannah-Moffat. (2005). *The Liberal Veil: Revisiting Canadian Penality*. in Pratt et al. (Eds.) *The New Punitiveness: Trends, Theories, Perspectives*. Willan Publishing.

CSC – Introduction to Correctional Programming <http://www.csc-scc.gc.ca/text/prgrms-eng.shtml>

\*Assignment #1 distributed

**October 17<sup>th</sup>: Punishing Bodies & Punishment as Spectacle**

Spiereberg, P (1984). *The Watchers: Spectators at the Scaffold*. The Spectacle of Suffering . Cambridge: Cambridge University Press.

Foucault, M (1977). *The Body of the Condemned*. Discipline and Punish: the Birth of the Prison. Vintage Books: New York.

Rothman, David. (2002). *The Invention of the Penitentiary. The Discovery of the Asylum: Social Order and Disorder in the New Republic*. New York: Aldine de Gruyter.

\* Assignment #1 Due

**October 24<sup>th</sup>: Punishing Souls**

Foucault, M. (1977). *The Means of Correct Training*. Discipline and Punish: The Birth of the Prison. Vintage Books: New York

Sykes, G. (1958). *The Pains of Imprisonment*. The Society of Captives: A Study of Maximum Security Prison. Princeton: Princeton University Press.

**October 31<sup>st</sup>: Modern Punishments**

Feeley, M. & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology*, 30(4), 449-474.

Garland, David. (2001). *The New Culture of Crime Control*. The Culture of Control: Crime and Social Order in Contemporary Society. Chicago: University of Chicago Press.

O'Malley, Pat (1999). *Volatile and Contradictory Punishment*. Theoretical Criminology (3), 175

**November 7<sup>th</sup>: Women & Punishment**

Hanna-Moffat, K (2000). Prisons that Empower: Neo-Liberal Governance in Canadian Women's Prisons. *British Journal of Criminology* (40), 510 – 531.

Pollack, S (2006). Therapeutic Programming as a Regulatory Practice in Women's Prisons. In Balfour & Comack (Eds.) *Criminalizing Women*. Fernwood Publishing: Halifax

**\*Assignment #2 Distributed****November 14<sup>th</sup>: Medicalizing Punishment**

Conrad, Peter (1992). Medicalization and Social Control. *Annual Review of Sociology*. 18, 209-32.

Kilty, Jennifer (2012). “‘It’s like they don’t want you to get better’: Psy Control of Women in the Carceral Context. *Feminism and Psychology* 22 (2) 167 – 182.

**Guest Speaker:** Dr. Jennifer Kilty, Department of Criminology, University of Ottawa

**\*Assignment #2 Due****November 21<sup>st</sup>: Political Economy of Punishment & The Prison Industrial Complex**

Greene, J. (2002). Entrepreneurial Corrections (pp.95-113) in M. Mauer & M. Chesney Lind (Eds.) *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New Press.

Christie, N (2000). *Crime Control as a Product*. *Crime Control as Industry*. Routledge: London and New York.

Schlosser, Eric (1998). The Prison Industrial Complex.” In *Atlantic Monthly*. <http://bit.ly/crJsR0>

**November 28<sup>th</sup>: Abolition and Other Alternatives**

Zehr, H & Mika, H (1998) *Fundamental Concepts of Restorative Justice*. *Contemporary Justice Review* (1), 47-55

Wilson, Robin J. et al. (2002) *Restorative Justice Innovations in Canada*. *Behavioural Sciences and the Law* (20), 363-380.

Guest Speaker : Dr. Justin Piché, Department of Criminology, University of Ottawa

**\* Final Exam distributed and discussed**